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AMERICAN  
STATE PAPERS,

AND

CORRESPONDENCE

BETWEEN

MESSRS. SMITH, PINKNEY, MARQUIS WELLESLEY, GENERAL ARMSTRONG,  
M. CHAMPAGNY, M. TURREAU, MESSRS. RUSSELL, MONROE,  
FOSTER, &c.

CONTAINING ALSO,

*PAPERS RELATIVE TO THE*  
ANNEXATION OF HOLLAND TO FRANCE;  
REPEAL OF THE BERLIN AND MILAN DECREES; ENGLISH  
AND IRISH BUDGET; FRENCH STATE PAPERS,  
&c. &c. &c.

PHILADELPHIA PRINTED.

LONDON:

REPRINTED FOR LONGMAN, HURST, REES, ORME, AND BROWN,  
PATERNOSTER ROW,

AND J. M. RICHARDSON, CORNHILL,

BY J. G. BARNARD, SKINNER-STREET.

1812.



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Just published,

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# APPENDI

## STATE PAPERS.

### REPORT.

IN obedience to the directions of the act supplementary to the act, entitled "An act to establish the Treasury Department," the Secretary of the Treasury respectfully submits the following Report and Estimates.

### REVENUE.

The net revenue arising from duties on merchandise and tonnage, which *accrued* during the year 1808, amounted to - - - - - Dollars, 10,310,000

The net revenue arising from the same source, which *accrued* during the year 1809, amounted, as will appear by the statement A, to - - - - - 6,527,000

It is ascertained that the net revenue arising from the same duties, has, for the three first quarters of the year 1810, exceeded 7,500,000 dollars; and it is believed that it will not, for the whole year, fall short of twelve millions.

The sales of public lands north of the river Ohio have, during the year ending on the 30th of September, 1810, amounted to 159,000 acres; and the payments, by purchasers, to 610,000 dollars. The same statement shows that the total amount of sales, from the establishment of the land offices in the year 1800, to the 30th of September, 1810, have amounted to 3,168,000 acres, which have produced 6,681,000 dollars; of which sum 1,646,000 dollars remain due by purchasers. The sales in the Mississippi territory, being (after deducting expenses) appropriated in the first place to the payment of 1,250,000 dollars to the state of Georgia, are distinctly stated.



## RECEIPTS AND EXPENDITURES.

## 1. Year ending on 30th September, 1810.

The actual receipts into the Treasury, during the year ending on the 30th of September, 1810, have amounted to	8,688,861 17
Making, together with the balance in the Treasury, on the 1st of October, 1809, and amounting to	5,828,936 01
An aggregate of	Dollars, 14,517,797 18

*The Disbursements during the same Year have consisted of the following Items, viz.*

Civil department, including miscellaneous expenses, and those incident to the intercourse with foreign nations	1,249,200 06
Military and Indian departments,	2,514,523 75
Navy	1,674,735 50
	4,138,259 25
Interest on the public debt	2,735 98 91
Total current expenses	8,174,358 22
Payments on account of the principal of the public debt	2,884,409 24
Amounting together, as will appear more in detail by the statement (B) to	11,058,767 46
And leaving in the Treasury on the 30th of September, 1810, a balance of	3,459,029 72
	Dollars, 14,517,797 18

It therefore appears that the actual receipts into the Treasury have exceeded the current expenses of Government, including therein the interest on the debt, by a sum of five hundred thousand dollars: the expenses had during the preceding year exceeded the receipts by a sum of thirteen hundred thousand dollars. The difference arises, not from an increase in the receipts, but from a diminution in the expenses, particularly those of the military and naval departments.

## 2. Last Quarter of the Year 1810.

The receipts for that quarter will, it is believed, be more than sufficient to defray the current expenses and interest on the debt accruing during the same period. But the payments to be made on account of the principal of the debt, in order to complete the annual appropriation of eight millions of dollars, amounting to more than 5,100,000 dollars, a loan, first negotiated for 3,750,000, and afterwards reduced to 2,750,000 dollars, became necessary.

The receipts and disbursements for that quarter are therefore estimated as follows :

Receipts into the Treasury from the ordinary revenue,	2,500,000
Proceeds of the loan receivable on 31st Dec. 1810,	2,570,000
Balance in the Treasury on 1st October, 1810	3,460,000

Dollars, 8,710,000

Expenses, civil, military, and naval, estimated	1,570,000
Interest accruing on the domestic debt	500,000
	<hr/> 2,070,000

Payments on account of the public debt, in order to complete the annual appropriation of eight millions, and including the reimbursement of 31st December, 1810, on the six per cent. and deferred stocks, and that of the same date of 3,751,125 exchanged six per cent. stock	4,640,000
	<hr/> 6,710,000

Probable balance in the Treasury on the 31st December, 1810	2,000,000
---	-----------

Dollars, 8,710,000

### 3. Year 1811.

The outstanding revenue bonds, after deducting the expenses of collection, and allowing for bad debts, will not probably, on the first of January, 1811, fall short of eleven millions and a half of dollars; the actual receipts for the year 1811, on account of the sales of lands, may be estimated at five hundred thousand : and it is presumed that the portion of the revenue arising from importations subsequent to the present year, which will be received in 1811, will be more than sufficient to pay the debentures payable in that year. The actual receipts into the Treasury during that year may therefore be estimated at

12,500,000

Estimating the expenses of Government for the year 1811 not to exceed the amount actually expended during the year ending on, the 30th of September, 1810, that is to say—

Expenses of a civil nature, both domestic and foreign,	1,240,000
Military and naval departments	4,190,000
	<hr/> 5,430,000

And adding thereto the interest on the public debt estimated at	2,550,000
---	-----------

The aggregate of the current expenses, exclusively of the payments on account of the principal of the debt, would not exceed

Dollars, 7,980,000

Brought forward	Dollars, 7,980,000
The payments on account of the principal of the debt will be applicable to the annual reimbursement on the six per cent. and deferred stocks, to the repayment of the loan of 2,750,000 dollars effected this year, and to the reimbursement in part of the converted six per cent. stock; and must, in order to complete the annual appropriation of eight millions of dollars, amount to	
	5,450,000

Making for the whole amount of the expenditures of the year 1811 - - - - - Dollars, 13,430,000  
or about one million of dollars more than the receipts for the same year.

If, therefore, this estimate could be relied on, an authority to borrow one million of dollars would be sufficient to enable Government to pay all the current expenses, and to reimburse nearly four millions and a half of the principal of the debt, leaving at the same time in the Treasury a balance of two millions of dollars, a sum not greater than what under existing circumstances it is eligible to reserve. But a deficiency may take place in the receipts if the amount of debentures should exceed what has been estimated; and the expenses for the military and naval departments (which, according to the estimates of those departments, and exclusively of the sum necessary for fortifications, amount to 4,916,000 dollars) may be greater than the amount actually expended during the year ending on the 30th of September, 1810. In order to provide for these and other unforeseen contingencies, the propriety of authorizing a re-loan, not exceeding in the whole the amount of the principal of the debt reimbursed during the same year, is respectfully submitted.

#### PUBLIC DEBT.

It appears by the statement (C) that the payments on account of the principal of the public debt have amounted, during the year ending on the 30th day of September, 1810, to 2,881,000 dollars; and during the nine years and a half ending on the same day, to near 37,700,000 dollars; exclusively of more than six millions of dollars paid in conformity with the provisions of the convention with Great Britain and of the Louisiana convention.

Taking the calendar year 1810, by itself, the principal of the debt actually reimbursed will amount to 5,163,376 dollars, viz.

Annual reimbursement of six per cent. and deferred stocks	Dollars, 1,412,251
Reimbursement of the six per cent. exchanged stock	3,751,125

	5,163,376
From which deducting the loan from the bank of	2,750,000

Leaves for the actual decrease of debt during the year,	2,413,376
---	-----------

•The loan authorized by the act of last session, had at first been negotiated in the latter end of May for 3,750,000 dollars; but the expenses having proven less than had been supposed, it was by mutual consent reduced in October to 2,750,000. With that object in view, in order that no greater sum should be ultimately borrowed than might be necessary, and also in order to avoid as long as practicable an increase of stock in the market, and that of a more permanent species of debt, a temporary loan from the bank of the United States was preferred to any other mode. It is reimbursable on the last day of December, 1811, with a reservation that the bank may, in case of a non-renewal of its charter, demand an earlier payment on giving three months' notice. This condition may, if enforced, save some interest to the public, and can produce no inconvenience, as there will be no greater difficulty in effecting a new loan (if necessary) in the middle than in the latter end of the year.

From what has been stated it appears, that no other provisions are necessary for the year 1811, than a continuance of the additional  $2\frac{1}{2}$  per cent. duty, commonly called the Mediterranean fund, and an authority to borrow a sum, probably much less, and certainly not greater than the amount of the principal of the public debt which will be reimbursed during the year. But as, in conformity with the act of the 1st of May, 1810, the importation of articles the growth, produce or manufacture of the dominions, colonies and dependencies of Great Britain, will be prohibited after the 2d day of February next, if that nation shall not, before that time, so revoke or modify her edicts as that they shall cease to violate the neutral commerce of the United States, some provisions appear necessary for the purpose of supplying the deficiency in the revenue arising from that cause, and of giving to that measure all the efficacy of which it is susceptible.

The probable defalcation in the revenue cannot, for obvious reasons, be at this time estimated with any degree of precision. The experience of the ensuing year can alone afford sufficient data for a permanent and detailed plan adapted to that state of things, and calculated to insure perseverance in the system as long as may be thought proper. But in the meanwhile, it appears essential to lay the foundation of such plan, and to guard in time against any great deficit in the receipts of the year 1812. It is believed that, under existing circumstances, it would be sufficient to render those receipts equal, or nearly equal to the current expenditure, including therein the interest on the public debt, and estimated at about eight millions of dollars; and with a view to that object, a considerable and immediate increase of the present duties on importations is respectfully suggested. It is not less important that the act should be free of legal difficulties, and of well founded objections, and that it should be enforced by every practical means. On that subject the following observations are submitted.

I. The law of the 1st May, 1810, has neither expressly defined the edicts, the revocation of which is expected, nor made a notifi-

cation by the president the evidence, and the sole evidence of the fact. It follows that in case of an unsatisfactory modification of her edicts by Great Britain, the decision of the question itself, whether the non-importation be actually in force or not, will be left to the courts, whence delays and embarrassments will arise, which will considerably impede the operation of the law.

- II. The non-importation is to take place on the 2d day of February next, if a revocation shall not have taken place before that day. But this may have taken place and not be known on that day in the United States. If the collectors abstain from seizing merchandise imported after that day, until the fact shall have been ascertained, and the edicts shall not have been revoked, the merchandise will escape forfeiture, and the law during that period will be inoperative. If they seize, and the edicts shall have been revoked, the seizures will have been illegal, and the collectors will be liable to personal suits. This inconvenience may be remedied by a provision directing that during that period it shall be the duty of the collectors to make seizures, but that the goods shall be restored to the parties on their giving bond with sureties for the value.
- III. No exception has been made by the act in favour of vessels which had sailed for the British East Indies prior to the president's proclamation; and the short period of three months from the date of that proclamation to the day when the law is to take effect, will occasion forfeitures or heavy losses, in cases of bona fide American property in England, paid for or ordered prior to the proclamation. It seems in every point of view eligible that cases clearly foreseen should be provided for by law, instead of being left to executive discretion.
- IV. It is believed that an abandonment by the United States of their share of the penalties and forfeitures which may be incurred, and the distribution of them according to the circumstances of the case, amongst the collectors, the other custom-house officers, the inspectors, who heretofore have had no share, and the informers, would insure a greater degree of zeal and vigilance in detecting and preventing infractions of the law.
- V. Some additional provisions will be necessary to enforce the law on the northern frontier of the United States, amongst which may be reckoned, the erection of some new collection districts, particularly on the river St. Lawrence and in the eastern part of the state of Vermont; an increase of salary to the collectors in that quarter, inasmuch as, under the non-importation, that part of their compensation which is derived from fees will be considerably reduced, and that which arises from commissions altogether lost; and an authority to the armed force of the United States to make seizures. And it must be added that the peculiar situation of those districts will render condemnation extremely difficult, unless the obligation be

**Exhibiting the Amount of Duties  
 Certificates issued on the Exports  
 for Expenses of Collection**

Years.	DUTIES ON	
	Merchandise.	Tonnage.
1808,	11,165,339 65	138,162 5
1809,	11,603,071 27	151,983 1

**A STATEMENT of the Amount**  
 • 18

American Tonnage in foreign trade  
 Foreign tonnage

Total amount of

Proportion of foreign tonnage to the

TRI

[To face page 6 of Appendix.]

(B.)

## STATEMENT

of States, from the 1st of October, 1809, to the 30th of September

28,936 01

## PAYMENTS ON THE FOLLOWING ACCOUNTS:

*Civil expences both foreign and domestic. viz.*

Civil list, proper, .....	689,309 85
Light-house establishment, .....	83,594 28
Marine hospital do. ....	35,652 97
Invalid pensions, .....	80,476 69
Public buildings in Washington, and furniture, .....	49,000
Surveys of public lands, .....	44,448 18
Ascertaining land titles in Louisiana, .....	6,740 87

51,189 07

Mint establishment, .....	16,158 30
Grants of Congress, and miscellaneous claims, .....	16,981 28
Road from the Mississippi to the Ohio, .....	130 58
Roads within the state of Ohio, .....	55,725

55,855 58

388,361 17

Purchase of books for Congress, .....	1,000
Better accommodation of the general post-office, &c. ....	13,000
Unclaimed merchandise, .....	885 50
Intercourse with foreign nations, .....	145,095 31
American claims assumed by the Louisiana convention, .....	9,101 66
	151,197 0

*Military Expences, viz:*

Pay, subsistence, clothing, &c. of the army, 1,254,764	
Fortifications of ports and harbours, .....	558,000
Ordnance, arms, arsenals, &c. ....	496,034 75
	2,308,798 7
Indian department, .....	207,625

## NAVY.

Repairs and contingencies, .....	586,000
Ordnance and arms, .....	150,000
Navy yards, .....	30,000
Marine corps, .....	95,735 0
Pay, provisions and other expences, .....	813,000

## PUBLIC DEBT.

Interest and charges, .....	2,735,898 0
Principal discharged, .....	2,884,409 8

Balance in the treasury subject to warrant, Sept. 30, 1810, .....

Dolla

517,797 18





# AN ESTIMATE

Of the Principal ~~to be~~ <sup>repaid</sup> of the Debt of the United States  
 payable in Europe  
 Converted six per cent. stock, do. 17,604 55  
 And charges on remittance 10,928 69  
 Deduct gain on ditto 258 87

10,669 82

706,051 73

A.			
425,946 95	9,613,495 83	10,239,442 33	
2,884,409 24	34,796,091 24	37,680,500 48	

A. Note.—This statement being made by deducting from the total amount of payments at the treasury, the amount of interest accruing during the same year, it follows that whenever the payments for the purchase of remittances happened to exceed the interest, the difference is considered as a payment on account of principal, though no principal may be actually paid during the same year. But on the other hand, if the interest should happen to exceed the remittances made in the year, the difference is considered as an increase of debt. Thus in the statements (D) for the years 1807 and 1809, the following deductions were made on that account as follows:

	1807	1809	Dollars,
	- - -	- - -	2,18,813 36
	- - -	- - -	21,001 11

Which are now nearly supplied by the sum of in this statement. The general result for a number of years, and that for each year, so far as relates to the payments at the treasury, are correct. But the ultimate application of these payments for each year necessarily differs so far as relates to the foreign debt, from the treasury payments, and is correctly stated in the annual reports of the commissioners of the sinking fund.

TREASURY DEPARTMENT,

Register's Office, December 7, 1810.

JOSEPH NOURSE, Register.

[To face page 7 of Appendix.]

imposed on persons claiming merchandise seized there, to prove that the same was legally imported.

• All which is respectfully submitted.

ALBERT GALLATIN.

*Treasury Department, December 10, 1810.*

*Message from the President of the United States, to both Houses of Congress, at the Commencement of the Third Session of the Eleventh Congress. December 5th, 1810. Read, and ordered to be printed.*

*Fellow Citizens of the Senate,  
and of the House of Representatives,*

THE embarrassments which have prevailed in our foreign relations, and so much employed the deliberations of Congress, make it a primary duty, in meeting you, to communicate whatever may have occurred, in that branch of our national affairs.

The act of the last session of Congress, "concerning the commercial intercourse between the United States and Great Britain and France and their dependencies," having invited, in a new form, a termination of their edicts against our neutral commerce, copies of the act were immediately forwarded to our ministers at London and Paris, with a view that its object might be within the early attention of the French and British governments.

By the communication received through our minister at Paris, it appeared that a knowledge of the act by the French government, was followed by a declaration that the Berlin and Milan decrees were revoked, *and would cease to have effect* on the first day of November ensuing. These being the only known edicts of France, within the description of the act, and the revocation of them, being such that they *ceased* at that date, to violate our neutral commerce, the fact, as prescribed by law, was announced by a proclamation, bearing date the *second day of November*.

It would have well accorded with the conciliatory views, indicated by this proceeding on the part of France; to have extended them to all the grounds of just complaint, which now remain unadjusted with the United States. It was particularly anticipated that, as a further evidence of just disposition towards them, restoration would have been immediately made of the property of our citizens, *seized under a misapplication of the principle of reprisals, combined with a misconstruction of a law of the United States. This expectation has not been fulfilled.*

From the British government no communication on the subject of the act has been received. To a communication from our minister at London, of the revocation, by the French government, of its Berlin and Milan decrees, it was answered, that the British system would be relinquished as soon as the repeal of the French

decrees should have actually taken effect, and the commerce of neutral nations have been restored to the condition in which it stood, previously to the promulgation of those decrees. This pledge, although it does not necessarily import, does not exclude the intention of relinquishing, along with the orders in council, the practice of those novel blockades which have a like effect of interrupting our neutral commerce. And this further justice to the United States is rather to be looked for, inasmuch as the blockades in question, being not more contrary to the established law of nations, than inconsistent with the rules of blockade formerly recognised by Great Britain herself, could have no alleged basis, other than the plea of retaliation, alleged as the basis of the orders in council. Under the modification of the original orders of November, 1807, into the orders of April, 1809, there is indeed scarcely a nominal distinction between the orders and the blockades. One of those illegitimate blockades, bearing date in May, 1806, having been expressly avowed to be still unrescinded, and to be, in effect, comprehended in the orders in council, was too distinctly brought within the purview of the act of Congress, not to be comprehended in the explanation of the requisites to a compliance with it. The British government was accordingly apprized by our minister near it, that such was the light in which the subject was to be regarded.

On the other important subjects depending between the United States and that government, no progress has been made, from which an early and satisfactory result can be relied on.

In this new posture of our relations with those powers, the consideration of Congress will be properly turned to a removal of doubts which may occur in the exposition, and of difficulties in the execution of the act above cited.

The commerce of the United States, with the North of Europe, heretofore much vexed by licentious cruisers, particularly under the Danish flag, has latterly been visited with fresh and extensive depredations. The measure pursued in behalf of our injured citizens, not having obtained justice for them, a further and more formal interposition with the Danish government is contemplated. The principles which have been maintained by that government in relation to neutral commerce, and the friendly professions of his Danish majesty towards the United States, are reliable pledges in favour of a successful issue.

Among the events growing out of the state of the Spanish monarchy, our attention was imperiously attracted to the change, developing itself in that portion of West Florida, which, though of right appertaining to the United States, had remained in the possession of Spain; awaiting the result of negotiations for its actual delivery to them. The Spanish authority was subverted and a situation produced, exposing the country to ulterior events, which might essentially affect the rights and welfare of the Union. In such a conjuncture, I did not delay the interposition required for the occupancy of the territory west of the river Perdido; to which the

title of the United States extends, and to which the laws, provided for the territory of Orleans, are applicable. With this view, the proclamation, of which a copy is laid before you, was confided to the governor of that territory, to be carried into effect. The legality and necessity of the course pursued, assure me of the favourable light in which it will present itself to the legislature, and of the promptitude with which they will supply whatever provisions may be due to the essential rights and equitable interests of the people thus brought into the bosom of the American family.

Our amity with the powers of Barbary, with the exception of a recent occurrence at Tunis, of which an explanation is just received, appears to have been uninterrupted, and to have become more firmly established.

With the Indian tribes also the peace and friendship of the United States are found to be so eligible, that the general disposition to preserve both, continues to gain strength.

I feel particular satisfaction in remarking, that an interior view of our country, presents us with grateful proofs of its substantial and increasing prosperity. To a thriving agriculture, and the improvements related to it, is added, a highly interesting extension of useful manufactures; the combined product of professional occupations, and of household industry. Such, indeed, is the experience of economy, as well as of policy, in these substitutes for supplies heretofore obtained by foreign commerce, that, in a national view, the change is justly regarded, as of itself more than a recompense for those privations and losses resulting from foreign injustice, which furnished the general impulse required for its accomplishment. How far it may be expedient to guard the infancy of this improvement, in the distribution of labour, by regulations of the commercial tariff, is a subject which cannot fail to suggest itself to your patriotic reflections.

It will rest with the consideration of Congress, also, whether a provident as well as fair encouragement, would not be given to our navigation, by such regulations as will place it on a level of competition with foreign vessels, particularly in transporting the important and bulky productions of our own soil. The failure of equality and reciprocity, in the existing regulations on this subject, operates, in our ports, as a premium to foreign competitors; and the inconvenience must increase, as these may be multiplied, under more favourable circumstances, by the more than countervailing encouragements, now given them, by the laws of their respective countries.

Whilst it is universally admitted, that a well instructed people alone can be permanently a free people; and whilst it is evident, that the means of diffusing and improving useful knowledge, form so small a proportion of the expenditures for national purposes, I cannot presume it to be unseasonable, to invite your attention to the advantages of superadding, to the means of education, provided by the several states, a seminary of learning, instituted by the national legislature, within the limits of their exclusive jurisdiction;

the expense of which might be defrayed, or re-imbursed, out of the vacant grounds which have accrued to the nation within those limits.

Such an institution, though local in its legal character, would be universal in its beneficial effects. By enlightening the opinions; by expanding the patriotism; and by assimilating the principles the sentiments, and the manners of those who might resort to this temple of science, to be re-distributed, in due time, through every part of the community; sources of jealousy and prejudice would be diminished, the features of national character would be multiplied, and greater extent given to social harmony. But, above all, a well constituted seminary, in the centre of the nation, is recommended, by the consideration, that the additional instruction, emanating from it, would contribute not less to strengthen the foundations, than to adorn the structure, of our free and happy system of government.

Among the commercial abuses, still committed under the American flag, and leaving in force my former reference to that subject, it appears, that American citizens are instrumental in carrying on a traffic in enslaved Africans, equally in violation of the laws of humanity, and in defiance of those of their own country. The same just and benevolent motives, which produced the interdiction in force against this criminal conduct, will, doubtless, be felt by Congress, in devising further means of suppressing the evil.

In the midst of uncertainties, necessarily connected with the great interests of the United States, prudence requires a continuance of our defensive and precautionary arrangement. The secretary of war, and secretary of the navy, will submit the statements and estimates, which may aid Congress, in their ensuing provisions for the land and naval forces. The statements of the latter, will include a view of the transfers of appropriations in the naval expenditures, and the grounds on which they were made.

The fortifications for the defence of our maritime frontier, have been prosecuted according to the plan laid down in 1808. The works, with some exceptions, are completed and furnished with ordnance. Those for the security of the city of New York, though far advanced towards completion, will require a further time and appropriation. This is the case with a few others, either not completed, or in need of repairs.

The improvements in quality and quantity, made in the manufactory of cannon and of small arms, both at the public armories and private factories, warrant additional confidence in the competency of these resources, for supplying the public exigencies.

These preparations for arming the militia, having thus far provided for one of the objects contemplated by the power vested in Congress, with respect to that great bulwark of the public safety; it is for their consideration, whether further provisions are not requisite, for the other contemplated objects of organization and discipline. To give to this great mass of physical and moral force, the efficiency which it merits, and is capable of receiving, it is indispensable

that they should be instructed and practised in the rules by which they are to be governed. Towards an accomplishment of this important work, I recommend, for the consideration of Congress, the expediency of instituting a system, which shall, in the first instance, call into the field, at the public expense, and for a given time, certain portions of the commissioned and non-commissioned officers. The instruction and discipline thus acquired, would gradually diffuse through the entire body of the militia, that practical knowledge and promptitude for active service, which are the great ends to be pursued. Experience has left no doubt either of the necessity, or of the efficacy of competent military skill, in those portions of an army, in fitting it for the final duties which it may have to perform.

The corps of engineers, with the military academy, are entitled to the early attention of Congress. The buildings at the seat, fixt by law, for the present academy, are so far in decay, as not to afford the necessary accommodation. But a revision of the law is recommended, principally with a view to a more enlarged cultivation and diffusion of the advantages of such institutions, by providing professorships for all the necessary branches of military instruction, and by the establishment of an additional academy at the seat of government, or elsewhere. The means by which war, as well for defence, as for offence, are now carried on, render these schools of the more scientific operations an indispensable part of every adequate system. Even among nations whose large standing armies and frequent wars afford every other opportunity of instruction, these establishments are found to be indispensable; for the due attainment of the branches of military science, which require a regular course of study and experiment. In a government, happily without the other opportunities, seminaries, where the elementary principles of the art of war can be taught without actual war, and without the expense of extensive and standing armies, have the precious advantage of uniting an essential preparation against external danger, with a scrupulous regard to internal safety. In no other way probably, can a provision, of equal efficacy for the public defence, be made at so little expense, or more consistently with the public liberty.

The receipts into the treasury during the year ending on the thirtieth of September last, (and amounting to more than eight millions and a half of dollars,) have exceeded the current expenses of the government, including the interest on the public debt. For the purpose of reimbursing at the end of the year, three millions, seven hundred and fifty thousand dollars of the principal, a loan, as authorized by law had been negotiated to that amount; but has since been reduced to two millions, seven hundred and fifty thousand dollars; the reduction being permitted by the state of the treasury, in which there will be a balance remaining at the end of the year, estimated at two millions of dollars. For the probable receipts of the next year, and other details, I refer to statements which will be transmitted from the treasury, and which will enable you to judge what further provisions may be necessary for the ensuing years.

Reserving for future occasions, in the course of the session, whatever other communications may claim your attention; I close the present, by expressing my reliance, under the blessing of Divine Providence, on the judgment and patriotism which will guide your measures, at a period particularly calling for united councils, and inflexible exertions, for the welfare of our country, and by assuring you of the fidelity and alacrity with which my co-operation will be afforded.

JAMES MADISON.

Washington, December 5th, 1810.

## DOCUMENTS

SELECTED FROM THOSE WHICH ACCOMPANIED THE MESSAGE  
OF THE PRESIDENT OF THE UNITED STATES OF DEC. 5, 1810.

*Extract of a Letter from Mr. Smith to Mr. Pinkney, dated*  
Department of State, January 20, 1810.

"IN my letter to you of the 11th Nov. 1809, you were authorized to assure the British government, that the United States sincerely retained the desire which they have constantly professed to facilitate a friendly accommodation of all the existing differences between the two countries, and that nothing would be more agreeable to them than to find the successor of Mr. Jackson invested with all the authorities necessary for the accomplishing of so desirable an event, and, moreover, that if the attainment of this object through your agency should be considered more expeditious, or otherwise preferable, it would be a course entirely satisfactory to the United States.

"I am now charged by the President to transmit to you the enclosed letter, authorizing you to resume the negotiations with the British government under the full power that had been given, severally, and jointly to you and Mr. Monroe. And in your discussions therein, you will be regulated by the instructions heretofore given to Mr. Monroe and yourself. It is, however, not intended, that you should commence this negotiation until the requisite satisfaction shall have been made in the affair of the Chesapeake. And in the adjustment of this case, you will be guided by the instructions which you have heretofore received from this department in relation to it.

"It is moreover desirable, that preparatory to a treaty upon all the points of difference between the two countries, an arrangement should be made for the revocation of the orders in council. As it is uncertain what may be the ultimate measures of Congress at the present session, it cannot be expected that the President can, at this time, state the precise condition to be annexed to a repeal of the orders in council. But, in general, you may assure the British govern-

ment of his cordial disposition to exercise any power with which he may be invested, to put an end to acts of Congress, which would not be resorted to but for the orders in council, and at the same time, of his determination to keep them in force against France in case her decrees should not also be repealed."

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*Mr. Pinkney to Lord Wellesley.*

Great Cumberland Place, February 15, 1810.

MY LORD,

In pursuance of the intimation which I had the honour to give to your lordship a few days ago, I beg to trouble your lordship with an inquiry, whether any, and if any, what blockades of France, instituted by Great Britain during the present war, before the 1st day of January, 1807, are understood by his majesty's government to be in force. I am not able at present to specify more than one of the blockades to which this inquiry applies; namely, that from the Elbe to Brest, declared in May, 1806, and afterwards limited and modified; but I shall be much obliged to your lordship for precise information as to the whole. I have the honour to be, &c. &c.

(Signed)

WM. PINKNEY.

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*Lord Wellesley to Mr. Pinkney.*

Foreign Office, March 2, 1810.

SIR,

I have the honour to acknowledge the receipt of your note of the fifteenth ultimo, wherein you request to be informed whether any, and if any, what blockades of France instituted by Great Britain during the present war, before the 1st day of January, 1807, are understood by his majesty's government to be in force? I have now the honour to acquaint you, that the coast, rivers and ports from the river Elbe to Brest, both inclusive, were notified to be under the restrictions of blockade, with certain modifications, on the 16th of May, 1806; and that these restrictions were afterwards comprehended in the order of council of the 7th of January, 1807, which order is still in force. I have the honour to be, &c. &c.

(Signed)

WELLESLEY.

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*Mr. Pinkney to Lord Wellesley.*

Great Cumberland Place, March 7, 1810.

MY LORD,

I have had the honour to receive your lordship's answer of the 2d instant, to my letter of the 15th of last month, concerning the blockades of France, instituted by Great Britain, during the present war, before the first day of January, 1807.

I infer from that answer, that the blockade notified by Great Britain in May, 1806, from the Elbe to Brest, is not itself in force, and that the restrictions which are established, rest altogether, so far as such restrictions exist at this time, upon an order or orders in council issued since the first day of January, 1807.



I infer also, either that no other blockade of France was instituted by Great Britain during the period above mentioned, or that, if any other was instituted during that period, it is not now in force.

May I beg your lordship to do me the honour to inform me whether these inferences are correct, and, if incorrect, in what respects they are so?

(Signed)

I have the honour to be, &c. &c.  
WM. PINKNEY.

*Mr. Pinkney to Mr. Smith.*

London, March 21, 1810.

SIR,

On the 27th of December, Mr. Brownell delivered to me your letters of the 11th, 14th, and 23d of the preceding month, and on the Saturday following I had a conference with the Marquis Wellesley, in the course of which I explained to him fully the grounds upon which I was instructed to request Mr. Jackson's immediate recall, and upon which the official intercourse between that minister and the American government had been suspended.

Lord Wellesley's reception of what I said to him was frank and friendly: and I left him with a persuasion that we should have no cause to be dissatisfied with the final course of his government on the subjects of our conference.

We agreed in opinion that this interview could only be introductory to a more formal proceeding on my part; and it was accordingly settled between us, that I should present an official letter to the effect of my verbal communication.

Having prepared such a letter, I carried it myself to Downing Street a few days afterwards, and accompanied the delivery of it to Lord Wellesley, with some explanatory observations, with which it is not, I presume, necessary to trouble you. You will find a copy of this letter enclosed, and will be able to collect from it the substance of the greater part of the statements and remarks which I thought it my duty to make in the conversation above-mentioned.

Although I was aware that the answer to my letter would not be very hastily given, I certainly was not prepared to expect the delay which has actually occurred. The President will do me the justice to believe, that I have used every exertion, consistent with discretion and the nature of the occasion, to shorten that delay; which, though not ascribable, as I persuade myself, to any motive unfriendly or disrespectful to the United States, may, I am sensible, have been productive of some disadvantage. A copy of the answer, received on the day of its date, is enclosed.

Between the delivery of my letter and the receipt of the reply, I had frequent conversations with Lord Wellesley, some of which were at his own request, and related altogether to the subject of my letter. The rest were on other subjects; but Mr. Jackson's affair was incidentally mentioned in all. A particular account of what was said on these several occasions would scarcely be useful and could

not fail to be tedious. It will, perhaps, be sufficient to observe, that, although these conversations were less satisfactory to me than the first, there was always an apparent anxiety, on the part of Lord Wellesley, to do what was conciliatory; and that, in the share which I took in them, I was governed by an opinion that, although it might become my duty to avoid, with more than ordinary care, all appearance of my being a party to the ultimate proceeding of the British government upon my official representation, it could not be otherwise than proper, in any turn which the affair could take, that I should avail myself of every opportunity of bringing to Lord Wellesley's mind such considerations as were calculated to produce a beneficial influence upon the form and character of that proceeding. In what light the president will view the course, which after so much deliberation this government has adopted, it would not become me even to conjecture. If, either in manner, or in effect, it should not fulfil his expectations, I shall have to regret that the success of my humble endeavours to make it what it ought to be, has not been proportioned to my zeal and diligence.

Of my letter to Lord Wellesley, of the 2d of January, I have very little to say. I trust it will be found faithful to my instructions; and that, while it maintains the honour of my government, it does not neglect what is due to conciliation.

I am not sure that I ought to have quoted in it your letter to me of the 11th of November, of which the substance is undoubtedly given in the quotation from your subsequent letter of the 23d of the same month. But I saw no objection to a repetition of the just and amicable sentiments expressed in these quotations; and, as I had been induced, at my first interview with Lord Wellesley, to read to his lordship each of the passages, I felt that I was in some sort bound to the introduction of both into my written communication.

My letter avoids all discussion, and all invitation to discussion, on the business of the Chesapeake, on the orders in council, and on other topics which circumstances have connected with both. It does not, however, entirely pass them by; but contains such references to them as I supposed were likely to be useful. I feel assured that in this respect I have acted in conformity with the president's intentions. Indeed, if I had acted otherwise, I should have complicated and embarrassed a question, which I was ordered to simplify, and forced into combination the peculiar difficulties of several subjects, to counteract the wishes of my government upon each. I should have done so, too, without inducement; for I had no authority to make any demand or proposal in the cases of the Chesapeake and orders in council, or to act upon any proposal which Lord Wellesley might be inclined to make to me; and it was perfectly clear that these subjects were not susceptible of any very material written illustrations which they had not already received. I did not, however, imagine, that I was to make no use of the reflections upon them which you had furnished in your letter of the 23d of November. I was, on the contrary, convinced that it would be proper to present them occasionally in conversation, with a view to dispose Lord Wel-

lesley, and through him the British government, to seek such fair and liberal adjustments with us as would once more make us friends.

Accordingly, in my first conference, I spoke of the affair of the Chesapeake and the orders in council, and concluded my explanations, which did not lose sight of your letter of the 23d of November, by expressing a wish that Lord Wellesley would allow me an early opportunity of a free communication with him on these heads. From the disposition evinced by Lord Wellesley, in the notice which he took of these suggestions and of that wish, I was inclined to hope that it might be in my power to announce to you, by the return of the corvette, that a new envoy would be charged, as the successor of Mr. Jackson, with instructions adapted to the purpose of honourable accommodation. My letter to his lordship was written under the influence of this hope, and concludes, as you will perceive, with as strong an appeal to the disposition on which it rested as could with propriety be made.

I recurred in subsequent conversations, as often as occasion presented itself, to the attack on the Chesapeake and to the orders in council. It soon appeared, however, that a new envoy would not, in the first instance, be sent out to replace Mr. Jackson, and consequently that an arrangement of these subjects was not in that mode to be expected. A special mission would still less be resorted to; and it was not likely that approaches to negotiation would be made through a *chargé d'affairs*. It was still barely possible that, though I had no powers to negotiate and conclude, the British government might not be disinclined to make advances through me, or that Lord Wellesley would suffer me so far to understand the views of his government as that I might enable you to judge upon what conditions and in what mode arrangement was practicable. This was possible, though not very probable; but it finally became certain that no definite proposal would, for the present at least, be made to us through any channel, and that Lord Wellesley would not commit himself upon the details to which I wished him to speak, but upon which, of course, I did not press him.

It only remains to refer you, for the actual sentiments of this government, with regard to future negotiation, to the concluding paragraph of Lord Wellesley's letter to me, which is substantially the same with his recent verbal explanations, and to add that, in a short conversation since the receipt of this letter, he told me that, if I thought myself empowered to enter upon and adjust the case of the Chesapeake, he would proceed without delay to consider it with me.

I have not supposed that Lord Wellesley's letter requires any other than the common answer; and I have accordingly given the reply of which a copy is now transmitted.

I have the honour to be, &c. &c.

(Signed)

WM. PINKNEY.

*Lord Wellesley to Mr. Pinkney.*

Foreign Office, March 26, 1810.

SIR,

I have the honour to acknowledge the receipt of your letter of the 7th instant, requesting a further explanation of my letter of the 2d, concerning the blockades of France, instituted by Great Britain during the present war, before the 1st day of January, 1807.

The blockade, notified by Great Britain in May, 1806, has never been formally withdrawn. It cannot, therefore, be accurately stated, that the restrictions which it established, rest altogether on the order of council of the 7th of January, 1807: they are comprehended under the more extensive restrictions of that order. No other blockade of the ports of France was instituted by Great Britain, between the 16th of May, 1806, and the 7th of January, 1807, excepting the blockade of Venice, instituted on the 27th of July, 1806, which is still in force.

I beg you to accept the assurances of high consideration, with which I have the honour to be, sir, your most obedient humble servant.

(Signed)

WELLESLEY.

*Mr. Pinkney to Lord Wellesley, dated*

Great Cumberland Place, May 3, 1810.

MY LORD,

I have the honour to call your lordship's attention, in pursuance of the instructions of my government, to a practice which has for some time past prevailed in this country, of forging American ships' papers for the purpose of giving to English vessels the character of American bottoms.

It appears from various sources of information, that these fabrications are carried to a great extent, particularly in London, and that the fraudulent papers are purchased as a regular article of traffic, and used in numerous instances, so as to bring into suspicion the genuine documents on which the safety of American commerce depends, and to subject that commerce to serious vexation and loss.

I am confident, my lord, that it is only necessary to suggest to his majesty's government the existence of these abuses, so injurious to the United States, and so pernicious in their general tendency, to induce it to cause immediate inquiry to be made with a view to an efficacious remedy. I have therefore only to add, that I am in possession of some papers which throw considerable light on this subject, and which (with such other information as I have obtained or may obtain) I shall be happy to communicate to your lordship whenever your lordship thinks proper.

I have the honour to be, &amp;c. &amp;c.

(Signed)

WM. PINKNEY.

*Lord Wellesley to Mr. Pinkney.*

The undersigned, his majesty's principal secretary of state for foreign affairs, has received his majesty's commands, to inform Mr. Pinkney, that the king has judged it expedient to signify his orders to the lords commissioners of the admiralty, to give the necessary directions to the officers employed in the blockade of the coast and ports of Spain, from Gijon to the French territory, that they permit, notwithstanding the said blockade, Spanish or neutral vessels, laden with cargoes, the produce of Spain only, to sail from any port included in the limits of the said blockade; subject, nevertheless, (as to the ports to which they trade) to the restrictions of his majesty's orders in council of the 26th of April, 1809, and of the 7th of January, 1807.

The undersigned requests Mr. Pinkney to accept the assurances of his high consideration.

(Signed)

WELLESLEY.

Foreign Office, May 14th, 1810.

*Mr. Smith to Mr. Pinkney.*

Department of State, May 22, 1810.

SIR,

Your dispatch of the 27th of March, by the British packet, was received on the 17th of this month.

The president has read with surprise and regret the answer of lord Wellesley to your letter of the 2d of January, and also his reply to your note requiring explanations with respect to the blockade of France. The one indicates an apparent indifference as to the character of the diplomatic intercourse between the two countries; and the other evinces an inflexible determination to persevere in their system of blockade.

The provision made for the diplomatic agency, which is to succeed that of Mr. Jackson, manifests a dissatisfaction at the step necessarily taken here with regard to that minister, and at the same time a diminution of the respect heretofore attached to the diplomatic relations between the two countries. However persevering the president may be in the conciliatory disposition which has constantly governed him, he cannot be inattentive to such an apparent departure from it on the other side, nor to the duty imposed on him by the rules of equality and reciprocity applicable in such cases. It will be very agreeable to him to find that the provision in question is intended merely to afford time for a satisfactory choice of a plenipotentiary successor to Mr. Jackson, and that the mode of carrying it into effect may be equally unexceptionable. But whilst, from the language of the Marquis Wellesley, with respect to the designation of a chargé d'affairs, and from the silence as to any other successor to the recalled minister, it is left to be inferred that the former alone is in contemplation, it becomes proper to ascertain what are the real views of the British government on the occasion;

and should they be such as they are inferred to be, to meet them by a correspondent change in the diplomatic establishment of the United States at London. The president relies on your discretion for obtaining the requisite knowledge of this subject in a manner that will do justice to the friendly policy which the United States wish to be reciprocal in every instance between the two nations. But in the event of its appearing that the substitution of a chargé d'affairs for a minister plenipotentiary, is to be of a continuance not required or explained by the occasion, and consequently justifying the inference drawn from the letter of Lord Wellesley, the respect which the United States owe to themselves will require that you return to the United States, according to the permission hereby given by the president, leaving charged with the business of the legation such person as you may deem most fit for the trust. With this view a commission, as required by a statute of the last session, is herewith enclosed, with a blank for a secretary of legation. But this step you will not consider yourself as instructed to take in case you should have commenced, with a prospect of a satisfactory result, the negotiation authorized by my letter of the 20th January.

In a letter of the 4th of this month, I transmitted to you a copy of the act of congress, at their last session, concerning the commercial intercourse between the United States and Great Britain and France. You will herewith receive another copy of the same act. In the fourth section of this statute you will perceive a new modification of the policy of the United States, and you will let it be understood by the British government that this provision will be duly carried into effect on the part of the United States.

A satisfactory adjustment of the affair of the Chesapeake is very desirable. The views of the president upon this delicate subject you may collect not only from the instructions heretofore given to you, but from the sentiments that had been manifested on the part of this government in the discussion with Mr. Rose, and from the terms and conditions contained in the arrangement made with Mr. Erskine. And conformably with these views, thus to be collected, you will consider yourself hereby instructed to negotiate and conclude an arrangement with the British government in relation to the attack on the frigate Chesapeake.

I have the honour to be, &c. &c.

(Signed)

R. SMITH.

Wm. Pinkney, Esq. &c. &c. London.

*Extract of a Letter from Mr. Pinkney to Mr. Smith, dated*

London, June 13, 1810.

“ I have not yet obtained from lord Wellesley an answer to my letter of the 30th of April, concerning the British blockades of France before the date of the Berlin decree. In a short conference on Sunday last, (the 10th instant) I pressed for a prompt and favourable reply, and shall, perhaps, receive it in the course of a few days. I had requested an interview on this subject on the

18th of last month, in consequence of a letter brought by Mr. Lee from general Armstrong, dated 2d of May; but the state of lord Wellesley's health prevented its taking place sooner than the 10th instant.

"I have sent Mr. Craig, (a young gentleman of Philadelphia) as a messenger to general Armstrong. He carries a newspaper copy of the late act of congress, respecting commercial intercourse.

"I have prepared an official letter to you on the affair of the Chesapeake; but as Mr. Irving leaves town for Liverpool in the morning, there is not time to copy it. It shall be forwarded, however, by Mr. Morier, who is about to sail in the British frigate *Venus*, for New York; or sent to Liverpool to the care of Mr. Maury. In the mean time it will be sufficient to state to you, that I am expecting every day lord Wellesley's written overture in that affair, and that in our conferences, which resulted in an understanding that he would make such an overture, no objection was made by him to an engagement to restore the men to the ship from which they were forcibly taken, without the offensive reservation prescribed to Mr. Rose and Mr. Erskine, and contained in Mr. Jackson's project; to offer a suitable provision, without any reservation, for the families of the sufferers, as a part of the terms of satisfaction; to forbear all reference, in the papers leading to or containing the arrangement, to the president's proclamation, or to any thing connected with it; to adopt in those papers a style and manner not only respectful, but kind to our government; to recite in them (as in Mr. Erskine's letter to you in April, 1809) that admiral Berkeley had been promptly disavowed, and as a mark of his Britannic majesty's displeasure, recalled from an important command. I have met on this occasion with nothing of a discouraging nature, except on the impracticable point of the trial and punishment of the offending officer. On that point it is impossible to prevail; but there will be no objection to my declaring, in a reply to the overture, the expectation of the American government, that the officer shall be tried and punished, or to a rejoinder, (if I wish it) on the part of lord Wellesley, suggesting in a friendly way the reasons for not fulfilling that expectation."

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*Mr. Pinkney to Mr. Smith.*

London, July 1, 1810.

SIR,

I have this day had the honour to receive your letter of the 23d and 22d of May by Mr. Parish; and have sent a note to lord Wellesley requesting an interview. He is out of town, but will return to-night or in the morning. The instructions contained in your letter concerning the inequality, supposed to be intended by this government in the state of our diplomatic relations, shall be executed with the discretion which undoubtedly they require; and I am persuaded that the result will be perfectly satisfactory to the president. In the mean time I think I can undertake to assure

you, that no change has taken place in the opinion of lord Wellesley, as announced in my private letter to you of the 4th of January, that a minister plenipotentiary of rank should be sent to the United States. Certainly, no idea has been entertained here of a permanent or long continued *chargé d'affairs*. It could only be intended to send one in the first instance. And I have reason to be confident, that for some time past it has been in agitation to appoint a minister plenipotentiary without delay, that lord Wellesley has in fact thought of and mentioned a person, and that Mr. Morie's departure has been put off in consequence.

In the case of the *Chesapeake* I have already stated to you, that I think there will be no difficulty, if the farther punishment of Berkeley is not made on our part a *sine qua non*. Your instructions are very clear that this is not to be peremptorily insisted on.

I have nothing to add to my communication of the 26th ultimo, concerning the British blockades of France before the Berlin decree, except that I mean to press Lord Wellesley on that subject at our next interview, as I did at our last. I shall not fail at the same time, to draw his attention to the orders in council and the intercourse act.

I need scarcely say that if events should make it proper for me, in obedience to the president's commands, to return to America, (leaving a *chargé d'affairs*) I shall lose no time in doing so.

I have the honour to be, &c. &c.

(Signed)

WM. PINKNEY.

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Mr. Smith to Mr. Pinkney.

Department of State, July 2d, 1810.

SIR,

Your several letters of the 8th and 9th of April, add 2d and 3d of May, have been received.

Whilst it was not known, on the one hand, how far the French government would adhere to the apparent import of the condition, as first communicated on which the Berlin decree would be revoked, and on the other hand, what explanation would be given by the British government with respect to its blockades prior to the decree, the course deemed proper to be taken, was that pointed out in my letter to you, of the 11th of November, and in that to General Armstrong, of the 1st of December. The precise and formal declaration since made by the French government, that the condition was limited to the blockades of France, or parts of France, of a date prior to the date of the Berlin decree, and the acknowledgment by the British government of the existence of such blockades, particularly that of May, 1806, with a failure to revoke it, or even to admit the constructive extinguishment of it held out in your letter to the Marquis Wellesley, give to the subject a new aspect and a decided character.

As the British government had constantly alleged, that the Berlin decree was the original aggression on our neutral commerce; that her orders in council were but a retaliation on that decree,



and moreover, on that ground, asserted an obligation on the United States to take effectual measures against the decree, as a preliminary to a repeal of the orders, nothing could be more reasonable than to expect, that the condition in the shape last presented would be readily accepted. The president is therefore equally disappointed and dissatisfied at the abortiveness of your correspondence with Lord Wellesley, on this important subject. He entirely approves the determination you took to resume it, with a view to the special and immediate obligation lying on the British government to cancel the illegal blockades, and you are instructed, in case the answer to your letter of the 30th of April, should not be satisfactory, to represent to the British government in terms, temperate but explicit, that the United States consider themselves authorized, by strict and unquestionable right, as well as supported by the principles heretofore applied by Great Britain to the case, in claiming and expecting a revocation of the illegal blockades of France, of a date prior to that of the Berlin decree, or preparatory to a further demand of the revocation of that decree.

It ought not to be presumed, that the British government, in reply to such a representation, will contend, that a blockade like that of May, 1806, from the Elbe to Brest, a coast of not less than one thousand miles, proclaimed four years since, without having been at any time attempted to be duly executed by the application of a naval force, is a blockade conformable to the law of nations and consistent with neutral rights. Such a pretext is completely barred, not only by the unanimous authorities, both of writers and of treaties on this point, not excepting even British treaties; but by the rule of blockade, communicated by that government to this, in the year 1804, in which it is laid down, that orders had been given not to consider any blockade of those islands, (Martinique and Guadaloupe) as existing, unless in respect of particular ports, which may be actually invested, and then not to capture vessels bound to such ports, unless they shall previously have been warned not to enter them, and that they (the lords of the admiralty) had also sent the necessary directions on this subject to the judges of the vice-admiralty courts in the West Indies and America. In this communication, it is expressly stated, that the rule to the British courts and cruisers was furnished in consequence of the representations made by the government of the United States, against blockades not unlike that now in question, and with the express view of redressing the grievance complained of. Nor ought it to be presumed, that the British government will finally resort to the plea, that her naval force, although unapplied, is adequate to the enforcement of the blockade of May, 1806, and that this forms a legal distinction between that and the Berlin decree of November following. Were it admitted, that an adequate force existed, and was applicable to such a purpose, the absurdity of confounding the power to do a thing, with the actually doing of it, speaks for itself. In the present case, the absurdity is pe-

cularly striking. A port blockaded by the sea, without a ship near it, being a contradiction in terms, as well as a perversion of law and of common sense.

From the language of Lord Wellesley's two letters, it is possible he may endeavour to evade the measure required, by subtle comments on the posture given to the blockade of May, 1806, by the succeeding orders of 1807. But even here he is met by the case of the blockade of Copenhagen and the other ports of Zealand, in the year 1808, at a time when these, with all Danish ports, were embraced by those very orders of 1807; a proof that, however the orders and blockades may be regarded as in some respects the same, they are regarded, in others, as having a distinct operation, and may consequently co-exist without being absolutely merged in or superseded the one by the other.

In the difficulty which the British government must feel in finding a gloss for the extravagant principle of her paper blockades, it may perhaps wish to infer an acquiescence on the part of this government, from the silence under which they have in some instances, passed. Should a disposition to draw such an inference show itself, you will be able to meet it by an appeal, not only to the successful remonstrance in the letter to Mr. Thornton, above cited, but to the answer given to Mr. Merry, of June, 1806, to the notification of a blockade, in the year 1806, as a precise and authentic record of the light in which such blockades and the notification of them were viewed by the United States. Copies of the answer have been heretofore forwarded, and another is now enclosed, as an additional precaution against miscarriage.

Whatever may be the answer to the representation and requisition which you are instructed to make, you will transmit it without delay to this department. Should it be of a satisfactory nature, you will hasten to forward it also to the diplomatic functionary of the United States at Paris, who will be instructed to make a proper use of it, for obtaining a repeal of the French decree of Berlin, and to proceed, concurrently with you, in bringing about successive removals by the two governments of all their predatory edicts. I avail myself of this occasion to state to you, that it is deemed of great importance, that our ministers at foreign courts, and especially at Paris and London, should be kept, the one by the other, informed of the state of our affairs at each.

I have the honour to be, &c. &c.

(Signed)

R. SMITH.

*Wm. Pinkney, Esq. &c. &c. &c.*

*Mr. Smith to Mr. Pinkney.*

Department of State, July 5, 1810.

SIR,

Your last communications having afforded so little ground for expecting, that the British government will have yielded to the call on it to originate the annulment of the belligerent edicts against our lawful commerce, by cancelling the spurious blockade of May,

1806, (the first in the series) it became a duty, particularly incumbent upon us, to press the other experiment held out in the late act of congress, another copy of which is herewith sent. You will accordingly make that act, and the disposition of the president to give it effect, the subject of a formal communication.

The British government ought not to be insensible of the tendency of superadding, to a refusal of the course proposed by France for mutually abolishing the predatory edicts, a refusal of the invitation held out by congress; and it ought to find in that consideration a sufficient inducement to a prompt and cordial concurrence. The British government must be conscious also of its having repeatedly stated, that the acquiescence by the United States in the decrees of France, was the only justification of its orders against our neutral commerce. The sincerity and consistency of Great Britain being now brought to the test, an opportunity is afforded to evince the existence of both. It may be added, that the form in which it is prescribed is as conciliatory as the proposal itself is unexceptionable.

As the act of congress, repealing the late restrictions on the commerce of the United States with the two belligerents, must be unequal in its operation, in case Great Britain should continue to interrupt it with France, inasmuch as France is unable to interrupt it materially with her, the British government may feel a temptation to decline a course which might put an end to this advantage. But if the unworthiness and unfriendliness of such a purpose should not divert her from it, she ought not to overlook either the opportunity afforded her enemy of retorting the inequality, by a previous compliance with the act of congress, or the necessity to which the United States may be driven, by such an abuse of their amicable advances, to resume, under new impressions, the subject of their foreign relations.

If the British government should be disposed to meet in a favourable manner the arrangement tendered, and should ask for explanations, as to the extent of the repeal of the French decrees which will be required, your answer will be as obvious as it must be satisfactory. *The repeal must embrace every part of the French decrees which violate the neutral rights guaranteed to us by the law of nations.* Whatever parts of the decrees may not have this effect, as we have no right, as a neutral nation, to demand a recall of them, Great Britain can have no pretext, as a belligerent nation, to urge the demand. If there be parts of the decrees liable to objections of another kind, it lies with the United States alone to decide on the mode of proceeding with respect to them.

In explaining the extent of the repeal, which, on the British side, is required, you will be guided by the same principle. *You will accordingly let it be distinctly understood, that it must necessarily include an annulment of the blockade of May, 1806, which has been avowed to be comprehended in, and identified with the orders in council; and which is palpably at variance with the law of nations. This is the explanation which will be given to the French govern-*

ment on this point by our minister at Paris, in case it should there be required.

But there are plain and powerful reasons why the British government ought to revoke every other blockade, resting on proclamations, or diplomatic notifications, and not on the actual application of a naval force adequate to a real blockade.

1st. This comprehensive redress is equally due from the British government to its professed respect for the laws of nations, and to the just claims of a friendly power.

2d. Without this enlightened precaution, it is probable, and may indeed be inferred from the letter of the Duke of Cadore to General Armstrong, that the French government will draw Great Britain and the United States to issue on the legality of such blockades, by acceding to the act of congress, *with a condition, that a repeal of the blockades shall accompany a repeal of the orders in council*, alleging, that the orders and blockades, differing little, if at all, otherwise than in name, a repeal of the former, leaving in operation the latter, would be a mere illusion.\*

3d. If it were even to happen, that a mutual repeal of the orders and decrees could be brought about without involving the subject of blockades, and with a continuance of the blockades in operation, how could the United States be expected to forbear an immediate call for their annulment? or how long would it probably be before an appeal by France to the neutral law of impartiality would bring up the same question between the United States and Great Britain? and from whatever circumstances the issue on it may arise, the impossibility of maintaining the British side, with even a colour of right or consistency, may be seen in the view taken of the subject, in the correspondence with Mr. Thornton and Mr. Merry, already in your hands.

If the British government should accede to the overture contained in the act of congress, by repealing or so modifying its edicts as that they will cease to violate our neutral rights, you will transmit the repeal, properly authenticated, to General Armstrong, and if necessary, by a special messenger, and you will hasten to transmit it also to this department.

With great respect, &c. &c.

(Signed)

R. SMITH.

*Mr. Pinkney to Lord Wellesley.\**

Great Cumberland Place, July 7, 1810.

MY LORD,

In pursuance of the conversation which I had the honour to hold with your lordship on the 6th inst. I take the liberty to request information, which I am sure will be readily given, concerning the intention of his majesty's government to send a minister plenipotentiary to the United States, as the successor of Mr. Jackson.

I have no doubt that it is intended to send such a successor without delay, as one of the means of restoring and maintaining the

friendly relations of the two countries; but I shall, nevertheless, be glad to be authorized by your lordship to make a communication to that effect to my government. I have the honour to be, &c. &c.

(Signed)

WM. PINKNEY.

*The most noble the Marquis Wellesley, &c. &c. &c.*

[Private.]

*Lord Wellesley's Reply to the foregoing.*

Apsley House, July 22, 1810.

SIR,

I think it may be difficult to enter upon the subject of your last note, (respecting the diplomatic rank of our minister in America) in any official form.

But I have no difficulty in assuring you that it is my intention immediately to recommend the appointment of an envoy extraordinary and minister plenipotentiary from the king to the United States.

I have the honour to be, with great respect and esteem, Sir, your most obedient and humble servant,

(Signed)

WELLESLEY.

*Wm. Pinkney, Esq. &c. &c. &c.*

*Mr. Pinkney to Mr. Smith.*

London, August 14th, 1810.

SIR,

As Lord Wellesley still withheld his long expected answer to my note of the 30th of April, respecting the British blockades anterior to the Berlin decree, and his written overture in the case of the Chesapeake, I sent him on the 8th instant a letter of which a copy is enclosed. No importunity had before been spared which it became due to use.

I need not trouble you with comments on the obvious unwillingness of this government to touch the first mentioned subject, or any thing connected with its principles and practice respecting blockades, or with the system of the orders in council. Justice and policy both invite it to give the declaration which I have required; and certainly nothing has been omitted on my part to induce it to take that course. I fear, however, that the declaration will be declined; unless indeed Lord Wellesley should continue to evade my application by returning no answer to it; a new practice I think, which, little to be commended as it is, must, I presume, if persisted in here, be reciprocated in America.

It is truly surprising that in the case of the Chesapeake there should be the same backwardness. I can conjecture no motive for this hesitation to propose, in writing, terms arranged in conference between Lord Wellesley and myself in an affair which it is the manifest interest of England to settle as soon as possible. It is now almost six weeks since Lord Wellesley last assured me (as he had

before more than once assured me) that he would put me in possession of his formal overture in this case *immediately*. He knows that you have been made officially acquainted with that assurance; for I thought it advisable to submit to his perusal, before it was transmitted (for the purpose principally of avoiding misunderstandings) my short letter to you of the 6th of last month, which states that "in the business of the Chesapeake he will write to me in a few days," and further, that in that business "I do not expect any difficulty."

There can be no misconception as to the *terms* to be offered; for, besides that they were stated with great precision in the conference alluded to in my letter to you of the 6th ultimo, as well as in several antecedent interviews, I wrote Lord Wellesley the day after that conference a *private* note of which a copy is now transmitted, enclosing a memorandum in pencil of the terms which (exclusive of any further mark of displeasure to Admiral Berkeley, very decidedly discouraged by Lord Wellesley) had been spoken of in our different conversations as fit to be proposed. I do not find that I retained any copy of the memorandum in pencil; but the terms (agreeing in substance with those to which, I informed you in my letter of the 13th of June last, Lord Wellesley had no objection) were to this effect.

1. The overture to contain such a recital or statement, as is found in Mr. Erskine's letter to you of the 17th of April, 1809, of the prompt disavowal by his Britannic majesty of the unauthorized act of his naval officer, whose recall, as a mark of the king's displeasure, from a highly important and honourable command, immediately ensued.

2. To offer, *without any reservation*, the restoration of the men to the ship from which they were forcibly taken.

3. To offer, *without any reservation*, and as a part of the terms of the international adjustment, a suitable pecuniary provision for the families of the persons slain in the attack, and for the wounded survivors.

It was moreover understood, that the paper proffering these terms would not contain the allusions which have heretofore occasioned embarrassment; that the whole affair would be made to take the most friendly character, and that I should be at liberty to express in my reply to the overture, if I thought fit, the expectation of my government as to the farther punishment of Admiral Berkeley.

I ought to add that, in all my conversations with Lord Wellesley on the case of the Chesapeake, he has shown not only a disposition but a wish to accommodate it, and that I am therefore the more astonished at the delay which has taken place.

In a few days I intend to renew my efforts to bring this matter to a conclusion, and to obtain an answer of some sort to my letter of the 30th of April. I am sufficiently inclined to present a strong paper upon both subjects, but in the actual posture of affairs, and in the absence of such instructions from you as would countenance such a step, I think it my duty to forbear a little longer.

It is not impossible that Lord Wellesley's backwardness to close the case of the Chesapeake with me, may arise from a desire that it should be adjusted in America through the new minister. If this were so, however, he could have no inducement to conceal it from me, since he is aware that I have always entertained the same desire. When I see him I will advert to this.

I am not yet able to say positively who the new minister will be. Lord ——— and some others are spoken of. Lord Wellesley has given me no other written information on the subject than is contained in his letter of the 22d ultimo, already communicated to you. His verbal information has been to the same effect, with this addition, that he retained his opinion (mentioned in my unofficial letter to you of the 4th of January last) that the minister to America ought to be a man of rank. As far as may be prudent I shall not fail to do all in my power to expedite the appointment.

The letter from General Armstrong, to which my letter of the 8th instant to Lord Wellesley alludes, is dated the 24th of July; and expresses his wish that the declaration of the British government concerning the blockades may be obtained and forwarded without delay. I have the honour to be, &c. &c.

(Signed)

WM. PINKNEY.

*The Hon. Rob. Smith, &c. &c. &c.*

*Mr. Pinkney to Mr. Smith.*

London, August 29, 1810.

SIR,

I dined yesterday with Lord Wellesley, and found that he had only returned to town in the morning. He still complained of indisposition; but it certainly could not be considered as unfitting him for business. In a short conversation before dinner he told me that my note respecting the Berlin and Milan decrees should be mentioned to his colleagues to-day, and that I should have an immediate answer; that the affair of the Chesapeake "would be settled to my satisfaction;" that he believed he should recommend to the king the appointment of a minister plenipotentiary to the United States, either this week or the next; that he had two persons in his eye, (both men of high rank) but that he could not with propriety name them to me at present.

As far as the opportunity permitted I urged promptitude on all these subjects as indispensable, and expressed my confidence that they would be disposed of in season for the approaching meeting of congress.

You perceive that notwithstanding past promises nothing has yet been done; and that there is no security that we shall have any thing but promises. I am truly disgusted with this, and would, if I followed my own inclination, put a speedy end to it. It is better, however, to do nothing of an irritating nature until this government has had full time for acting upon my note of the 25th. Even if it should decline to repeal the orders in council (which I am told is

quite possible) a moderate course on my part will have the recommendation of putting it more clearly in the wrong. If it should decline to repeal, the president may be assured that I will not fail to present such a paper as conduct so extraordinary will demand, and, if further delays are affected, that I will remonstrate in very decided terms.

I have the honour to be, &c. &c.

(Signed)

WM. PINKNEY.

*Mr. Pinkney to Lord Wellesley.*

Great Cumberland Place, August 25th, 1810.

MY LORD,

I have the honour to state to your lordship, that I have received from General Armstrong, minister plenipotentiary of the United States at Paris, a letter bearing date the 6th instant, in which he informs me that the government of France has revoked the decrees of Berlin and Milan, and that he has received a written and official notice of that fact in the following words: "Je suis autorisé à vous déclarer, monsieur, que les décrets de Berlin et de Milan sont révoqués, et, qu'à dater du 1er. Novembre, ils cesseront d'avoir leur effet."

I take for granted that the revocation of the British orders in council of January and November, 1807, and April, 1809, and of all other orders, dependent upon, analogous to, or in execution of them, will follow of course; and I shall hope to be enabled by your lordship, with as little delay as possible, to announce to my government that such revocation has taken place.

I have the honour to be, &c. &c.

(Signed)

WM. PINKNEY.

*The noble the Marquis Wellesley, &c. &c. &c.*

*Lord Wellesley to Mr. Pinkney in Reply to the foregoing.*

Foreign Office, August 31, 1810.

SIR,

I have the honour to acknowledge the receipt of your letter under date of the 25th instant.

On the 23d of February, 1808, his majesty's minister in America, declared to the government of the United States—"his majesty's earnest desire to see the commerce of the world restored to that freedom which is necessary for its prosperity, and his readiness to abandon the system which has been forced upon him, whenever the enemy should retract the principles which had rendered it necessary."

*I am commanded by his majesty to repeat that declaration, and to assure you that whenever the repeal of the French decrees shall have actually taken effect, and the commerce of neutral nations shall have been restored to the condition in which it stood previously to the promulgation of those decrees, his majesty will feel the highest satisfac-*



*tion in relinquishing* a system which the conduct of the enemy compelled him to adopt.

I have the honour to be, with the highest consideration, Sir,  
your most obedient and humble servant,

(Signed)

WELLESLEY.

Wm. Pinkney, Esq.

*Mr. Pinkney to Mr. Smith.*

London, September 7th, 1810.

SIR,

It has been supposed here that the notification of a blockade of "the canal of Corfou," on the 18th of last month, was intended to close the Adriatic, and the English newspapers, as you will have perceived, so represent it. In my letter to you of the 20th ultimo, communicating a copy of that notification, I have adopted this construction, which now appears to be erroneous. The "canal," to which the notification is now understood to apply, is the narrow passage at the eastward of Corfou.

I have the honour to be, &c. &c.

(Signed)

WM. PINKNEY.

*Mr. Pinkney to Lord Wellesley.*

Great Cumberland Place, September 15th, 1810.

MY LORD,

In my note of the 1st instant, I had the honour to inform your lordship, that it had been stated to me in a letter from Gottenburgh, that in consequence of some misconception of the effect of the order for establishing a blockade of Elsinore in May last, American vessels had recently been prevented from passing the Sound by the English naval force in that quarter, and I requested that if this statement was correct, such explanations might be transmitted to the British commander as might at least confine the blockade in question to the port against which it had been professedly instituted.

As I have not received any answer to that note, and consequently do not know whether any order has been given to remove the interruption which it mentions, I feel it to be necessary to lay before your lordship the enclosed original protest of the master of the American ship "Alert," which appears to establish the existence of that interruption in a form as exceptionable as it could possibly assume.

Whatever may be the ground upon which Sir James Saumarez has thought fit to issue his orders to close the passage of the Sound to American vessels returning in the prosecution of a lawful trade to the United States, or proceeding in a contrary direction, your lordship will, I am persuaded, think with me that my government has a fair claim to be made acquainted, either through me or through such other channel as your lordship may deem more proper, with the intentions of the British government on the subject.

Before I conclude this letter I must call your lordship's attention to the particular circumstances of the case which has mainly produced it, and to the redress which those circumstances plainly require.

The "Alert" has been seized and sent to England by the "Africa" for *salvage*. The peril from which she was saved, if she was saved from any peril, was created by the injustice of the capturing vessel in turning her from the regular course of her homeward voyage.

That the commander of the "Africa," or those under whom he acted, should be responsible to the utmost for the loss occasioned by that injustice, seems to be perfectly reasonable; but it is difficult to imagine in what way he can expect to derive from it a right to inflame the loss for his own advantage. I trust that the attempt will be repressed in a suitable manner, and that, in place of salvage to be paid by the injured neutral, compensation will in some mode or other be awarded to him for the damages he has been made to sustain.

The impressment on board the "Alert," of four American seamen by the "Africa," cannot be passed unnoticed. This abuse could not fail to be interesting under any circumstances; but on this occasion (supposing the enclosed narrative to be true,) it is not only characterized by an utter disregard of the rights of the American government, and by the oppression of its citizens, but is practised under a show of friendly protection, and aggravated by every practical wrong which could well be associated with it.

I have the honour to be, &c.

(Signed)

WM. PINKNEY.

*Mr. Pinkney to Lord Wellesley.*

Great Cumberland Place, September 21, 1810.

MY LORD,

On the 30th of April last, I had the honour to address a note to your lordship, in which, upon the inducements which it stated, I took the liberty to inquire, whether there was any objection, on the part of his majesty's government, to a revocation, or to a declaration that they were no longer in force, of the British blockades of France of a date anterior to the Berlin decree.

In a second note of the 23d of June, I had the honour to recal your lordship's attention to that inquiry, and to add, that my government expected from me a communication upon it. And on the 8th of August, it was again brought to your lordship's recollection in the same mode. It was moreover mentioned in several conversations after the delivery of my first note, which had, in fact, been preceded by verbal explanations on my part, as well as by an abortive correspondence in writing, to which some of those explanations were preparatory.

If I had been so fortunate as to obtain for my hitherto unanswered inquiry, the notice which I had flattered myself it might receive,

and to which I certainly thought it was recommended by the plainest considerations of policy and justice, it would not, perhaps, have been necessary for me to trouble your lordship with this letter, the purpose of which is, in very few words, to remind his majesty's government, in pursuance of my instructions, of the sentiments and expectations of the government of the United States, respecting such blockades as that which my inquiry principally regarded.

Those sentiments and expectations are so well explained in two letters from Mr. Secretary Madison, of the 27th October, 1803, to Mr. Thornton, and of the 3d June, 1806, to Mr. Metry, that very little more is required, in the execution of my instructions on this occasion, than that I should refer your lordship to the copies of those letters which are herewith transmitted.

Your lordship will perceive, that the strong and conclusive objections, in law and reason, to be found in those papers, (especially in the first, which was occasioned by a communication from the British consul, at New York, of a notice from Commodore Hood, of July, 1803, that the islands of Martinique and Guadeloupe were, and for some time had been blockaded) apply to several blockades which Great Britain has lately pretended to establish; but in a particular manner to that of May, 1806, (from the Elbe to Brest inclusive); to that in the spring of 1808, of the whole island of Zealand, and to that in March, 1809, of the isles of Mauritius and Bourbon.

The government of the United States can discover no just foundation for these and other similar attempts to blockade entire coasts, by notifications with which the fact has no correspondence. It views them as unwarrantable prohibitions of intercourse rather than regular blockades; and as resembling, in all their essential qualities, the extraordinary decrees and orders, which, for the last four years, have nearly obliterated every trace of the public law of the world, and discouraged, by menaces of hostile interruption, and pursued with seizure and confiscation, the fairest and most innocent trade of neutral merchants.

It may now be hoped that those decrees and orders are about to disappear forever; and I think I may presume, as my government expects, that no blockade like that of May, 1806, will survive them.

Your lordship has informed me, in a recent note, that it is "his majesty's earnest desire to see the commerce of the world restored to that freedom which is necessary for its prosperity." And I cannot suppose that this freedom is understood to be consistent with vast constructive blockades, which may be so expanded at pleasure as, without the aid of any new device, to oppress and annihilate every trade but that which England thinks fit to license. It is not, I am sure, to *such* freedom that your lordship can be thought to allude. I am the more inclined to be confident on this point, because I have now before me a well known official exposition, conceived in terms the most exact, of the British doctrine of blockade as it stood in 1804, contained in the reply of Mr. Merry, his majesty's minister in America, to the very able remonstrance above mentioned, from Mr. Madison to Mr. Thornton.

In that reply, (of the 12th of April, 1804) it is formally announced to the government of the United States, "by his majesty's command, signified to Mr. Merry, by the principal secretary of state for foreign affairs," that for "redressing the grievance complained of" by the American government, orders had been sent to commodore Hood (and the necessary directions given to the vice-admiralty courts in the West Indies and America) "not to consider any blockade of the islands of Martinique and Guadaloupe as existing, unless in respect of particular ports which might be actually invested; and then not to capture vessels bound to such ports, unless they should previously have been warned not to enter them."

It is natural to conclude that, though the "grievance," which this frank communication condemns, has been since so often repeated, as almost to make us lose sight of the rule in the multitude of its violations, your lordship could not speak of the restoration of just freedom of commerce as an event desired by Great Britain, without some reference to the neglected doctrine of this paper, and without some idea of reviving it. •

With regard to the blockade of May, 1806, I regret that I have failed to obtain an admission, apparently warranted by facts and invited by circumstances, that it is not in force.

Your lordship's answers to my letters of the 15th of February, and 7th of March last, appear to justify the opinion, that this blockade sunk into the orders in council of 1807, with which it was perfectly congenial. It can scarcely be said that, since the promulgation of those orders, there has been even a show of maintaining it, as an actual blockade, by a stationary force, adequate or inadequate, distributed with that view along the immense line of coast which it affected to embrace. And, if it has not been constantly so maintained, nor even attempted to be maintained, as an actual blockade, but has yielded its functions since 1807, to orders in council, neither being nor professing to be actual blockades, it may, I imagine, be very safely asserted that it exists no longer. But as this conclusion has not been adopted, but has rather been resisted by your lordship, it is my duty, in transmitting the enclosed copy of an act of congress of the United States, passed on the 1st of May, 1810, entitled "An act concerning the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes," to state to your lordship that an annulment of the blockade of May, 1806, is considered by the president to be as indispensable, in the view of that act, as the revocation of the British orders in council.

I have the honour to be, with high consideration, my lord, your lordship's most obedient humble servant,

(Signed)

WM. PINKNEY.

*The most noble the Marquis Wellesley, &c. &c. &c.*

Mr. Pinkney to Mr. Smith.

London, September 28, 1810.

SIR,

I have already sent you a copy of Lord Wellesley's reply to that part of my letter of the 15th instant, which particularly respected the case of the *Alert*. The amount of that reply was, that government could not interfere, and that the case must be left to the court of admiralty.

I now transmit his answer to that part of my letter which regarded the effect of the blockade of Elsinore (as it was interpreted by Sir James Saumarez) on the passage of the Sound; from which it appears that it is not yet intended to close that passage.

No notice has been taken of the residue of my letter concerning the four American seamen taken from the *Alert*.

As I have transmitted you a copy of Lord Wellesley's reply to my application for the release of the *Mary*, from which it was to be inferred that she would be immediately released, I ought now to mention that so far from being released, she is to be forthwith proceeded against as a prize! These things require a large stock of patience.

I have the honour to be, &c.

(Signed)

WM. PINKNEY.

Mr. Pinkney to Mr. Smith.

London, October 3, 1810.

SIR,

Lord Wellesley's communication concerning the passage of the Sound, was supposed by a merchant here, to whom I showed it, to be ambiguous, by reason of the expressions "bound up the Sound," &c.

The ambiguity has, however, been removed (if indeed there was any) by a note which I have just received from the foreign office in answer to one from me.

It says, that "no vessels will be subject to the restrictions of the blockade of Elsinore, but such as may be going to that port, in whatever direction they may be passing the Sound." It says further, that "the equivocal in the original communication was certainly not intentional."

I have the honour to be, &c. &c.

(Signed)

WM. PINKNEY.

Mr. Smith to Mr. Pinkney.

Department of State, October 19th, 1810.

SIR,

Your dispatch of the 24th of August, enclosing a newspaper statement of a letter from the Duke of Cadore to General Armstrong, notifying a revocation of the Berlin and Milan decrees, has been received. It ought not to be doubted that this step of the French government will be followed by a repeal, on the part of the

British government, of its orders in council. And if a termination of the crisis between Great Britain and the United States be really intended, the repeal ought to include the system of paper blockades, which differ in name only from the retaliatory system comprised in the orders in council. From the complexion of the British prints, not to mention other considerations, the paper blockades may however not be abandoned. There is hence a prospect that the United States may be brought to issue with Great Britain on the legality of such blockades. In such case, as it cannot be expected that the United States, founded as they are in law and in right, can acquiesce in the validity of the British practice, it lies with the British government to remove the difficulty. In addition to the considerations heretofore stated to you in former letters, you may bring to the view of the British government the retrospective operation of these diplomatic notifications of blockades, which consider a notice to the minister as a notice to his government, and to the merchants who are at a distance of three thousand miles. It will recur to your recollection, that the present ministry, in the debates of parliament, in opposition to the authors of the orders of January, 1807, denied they were warranted by the law of nations. The analogy between these orders and the blockade of May 1806, in so far as both relate to a trade between enemy's ports, furnishes an appeal to the consistency of those now in office, and an answer to attempts by them to vindicate the legality of that blockade. It is remarkable, also, that this blockade is founded on "the new and extraordinary means resorted to by the enemy for the purpose of distressing the commerce of British subjects." *What are those means? In what respect do they violate our neutral rights? Are they still in operation?* It is believed that true answers to these questions will enforce the obligation of yielding to our demands on this subject. You may also refer the British government to the characteristic definition of a blockaded port, as set forth in their treaty with Russia, of June, 1801, the preamble of which declares, that one of its objects was to settle "an invariable determination of their principles upon the rights of neutrality."

Should the British government unexpectedly resort to the pretext of an acquiescence on the part of the United States in their practice, it may be remarked, that prior to, as well as during the present administration, this government has invariably protested against such pretensions; and in addition to other instances heretofore communicated to you, I herewith transmit to you an extract of a letter to the department of state of July 15th, 1799, from Mr. King, our Minister at London, and also such part of Mr. Marshall's letter to him, of the 20th September 1800, as relates to the subject of blockades. And it may moreover be urged, that the principle now contended for by the United States was maintained against others, as well as Great Britain, as appears from the accompanying copy of the letter to our minister at Madrid in the year 1801. To this principle the United States also adhered when a belligerent,

as in the case of the blockade of Tripoli, as will be seen by the annexed letter from the navy department. You will press on the justice, friendship and policy of Great Britain, such a course of proceeding as will obviate the dilemma resulting to the United States from a refusal to put an end to the paper blockades, as well as the orders in council.

The necessity of revoking the blockade of Copenhagen, as notified to you in May, 1808, will not escape your attention. Its continuance may embarrass us with Denmark, if not with France.

Your answer as to the Corfu blockade is approved; and should the answer to it render a reply necessary, the president directs you to remonstrate against such a blockade; availing yourself, as far as they may be applicable, of the ideas in the letter to Mr. Charles Pinkney of October, 1801, and particularly of the proof it affords of our early remonstrance against the principle of such blockades.

No communication having yet been made by General Armstrong of a letter to him from the Duke of Cadore, declaring that the Berlin and Milan decrees will cease to be in force from the first day of November next, I can at this time only inform you, *that if the proceedings of the French government, when officially received, should correspond with the printed letter of the duke of Cadore, enclosed in your dispatch, you will let the British government understand, that on the first day of November the president will issue his proclamation, conformably to the act of congress, and that the non-intercourse law will consequently be revived against Great Britain. And if the British government should not, with the early notice received of the repeal of the French decrees, have revoked all its orders which violate our neutral rights, it should not be overlooked that congress, at their approaching session may be induced not to wait for the expiration of the three months, (which were allowed on the supposition that the first notice might pass through the United States) before they give effect to the renewal of the non-intercourse. This consideration ought to have its weight, in dissuading the British government from the policy, in every respect misjudged, of procrastinating the repeal of its illegal edicts.*

If the British government be sincerely disposed to come to a good understanding, and to cultivate a friendly intercourse with the United States, it cannot but be sensible of the necessity, in addition to a compliance with the act of congress, of concluding at this time a general arrangement of the topics between the two countries; and, above all, such an one as will upon equitable terms, effectually put a stop to the insufferable vexations to which our seamen have been and are yet exposed, from the British practice of impressment; a practice which has so strong a bearing on our neutrality, and to which no nation can submit consistently with its independency. To this very interesting subject you will therefore recal the attention of the British government, and you will accordingly consider yourself hereby authorized to discuss and adjust the same separately, conformably to the instructions in my letter to

you of the 20th January last, on the condition, however, contained in that letter, namely, that the requisite atonement shall have been previously made in the case of the outrage on the Chesapeake. But, as in this case every admissible advance has been exhausted on the part of the United States, it will be improper to renew the subject to the British government, with which it must lie to come forward with the requisite satisfaction to the United States. You will therefore merely evince a disposition to meet, in a conciliatory form, any overtures that may be made on the part of the British government.

The British government having so long omitted to fulfil the just expectations of the United States, in relation to a successor to Mr. Jackson, notwithstanding the reiterated assurances to you of such an intention, *has no claims to further indulgence*. On the receipt of this letter, therefore, should the appointment of a plenipotentiary successor not have been made and communicated to you, you will let your purpose be known of returning to the United States, unless, indeed, the British government should have unequivocally manifested a disposition to revoke their orders in council, conformably to the act of congress of May last, and our affairs with them should have accordingly taken so favourable a turn as to justify, in your judgment, a further suspension of it.

I have the honour, &c. &c.

(Signed)

R. SMITH.

Wm. Pinkney, Esq. &c. &c. &c.

*Extract of a Letter from General Armstrong to Mr. Smith, dated*  
Paris, January 28, 1810.

"Mr. Champagny stated, that the order given in relation to our ships, &c. &c. in Spain was a regular consequence of the system declared in his letter of the 22d of August last, and which had been promulgated throughout the United States. 'It is obvious,' he added, 'that H. M. cannot permit to his allies a commerce which he denies to himself. This would be at once to defeat his system and oppress his subjects, by demanding from them great and useless sacrifices; for if the system be not strictly observed every where, it cannot any where produce the effects expected from it. Still,' he said, 'the propriety is only sequestered and becomes a subject of the present negotiation.' As our remonstrances have been sufficiently frequent and free; as this was a meeting merely of conciliation, and as the closing remark of the minister indicated rather the policy of looking forward to our rights than backward on our wrongs, I thought it most prudent to suppress the obvious answers which might have been given to his observations, and which, under other circumstances, should not have been omitted. I accordingly contented myself with expressing a hope, that our future intercourse should be a competition only of good offices."

"In conformity to the suggestions contained in your letter of



the 1st of December, 1809, I demanded whether, if Great Britain revoked her blockades of a date anterior to the decree commonly called the Berlin decree, H. M. the emperor would consent to revoke the said decree? to which the minister answered, that "the only condition required for the revocation by H. M. of the decree of Berlin, will be a previous revocation by the British government of her blockade of France, or part of France (such as that from the Elbe to Brest) of a date anterior to that of the aforesaid decree, and that if the British government would then recall the orders in council which had occasioned the decree of Milan, that decree should also be annulled. Our interview closed here, and we have had no meeting, either accidental or by rendezvous since."

*Extracts of a Letter from General Armstrong to Mr. Smith, dated*  
Paris, February 17, 1810.

"The note from Mr. Champagny, a copy of which is enclosed, was received yesterday."

"This goes by the way of England, and may not be much later in reaching you than my dispatch of the 28th ult. which took the same road."

(TRANSLATION.)

The undersigned has rendered an account to his majesty the emperor and king, of the conversation he has had with Mr. Armstrong, minister plenipotentiary of the United States of America. His majesty authorizes him to give the following answer:

His majesty should consider his decrees of Berlin and Milan as violating the principles of eternal justice, if they were not the compelled consequence of the British orders in council, and above all, of those of November, 1807. When England has proclaimed her sovereignty universal, by the pretension of subjecting the universe to a tax on navigation, and by extending the jurisdiction of her parliament over the industry of the world, his majesty thought that it was the duty of all independent nations to defend their sovereignty, and to declare as denationalized (*dénationalisés*) those vessels which should range themselves under the denomination of England, by recognising the sovereignty which she arrogated over them.

His majesty distinguishes the search (*la visite*) from the recognition (*reconnaissance*) of the vessel. The recognition has no other end than to ascertain the reality of the flag. The search is an interior inquest held, although the verity of the flag be ascertained, and of which the result is either the impressment of individuals, or the confiscation of merchandize, or the application of arbitrary laws or regulations.

His majesty could place no reliance on the proceedings of the United States, who having no ground of complaint against France, comprised her in their acts of exclusion, and since the month of May have forbidden the entrance of their ports to French vessels,

under the penalty of confiscation. As soon as his majesty was informed of this measure, he considered himself bound to order reprisals on American vessels not only in his territory, but likewise in the countries which are under his influence. In the ports of Holland, of Spain, of Italy and of Naples, American vessels have been seized, because the Americans have seized French vessels. *The Americans cannot hesitate as to the part which they are to take. They ought either to tear to pieces the act of their independence, and to become again, as before the revolution, the subjects of England, or to take such measures as that their commerce and industry should not be tariffed (tarifes) by the English, which renders them more dependent than Jamaica, which at least has its assembly of representatives and its privileges. Men without just political views, (sans politique) without honour, without energy, may allege that payment of the tribute imposed by England may be submitted to, because it is light; but why will they not perceive that the English will no sooner have obtained the admission of the principle, than they will raise the tariff in such way, that the burden at first light, becoming insupportable, it will then be necessary to fight for interest after having refused to fight for honour.*

The undersigned avows with frankness, that France has every thing to gain from receiving well the Americans in her ports. Her commercial relations with neutrals are advantageous to her. She is in no way jealous of their prosperity: great, powerful and rich, she is satisfied when, by her own commerce, or by that of neutrals, exportations give to her agriculture and her fabrics, the proper development.

It is now thirty years since the United States of America founded, in the bosom of the new world, an independent country, at the price of the blood of so many immortal men, who perished on the field of battle to throw off the leaden yoke of the English monarch. These generous men were far from supposing, when they thus sacrificed their blood for the independence of America, that there would so soon be a question whether there should be imposed upon it a yoke more heavy than that which they had thrown off, by subjecting its industry to a tariff of British legislation, and to the orders in council of 1807.

If then the minister of America can enter into an engagement, that the American vessels will not submit to the orders in council of England, of November 1807, nor to any decree of blockade unless this blockade should be real, the undersigned is authorized to conclude every species of convention tending to renew the treaty of commerce with America, and in which all the measures proper to consolidate the commerce and the prosperity of the American shall be provided for.

The undersigned has considered it his duty to answer the verbal overtures of the American minister by a written note, that the president of the United States may the better know the friendly intentions of France towards the United States, and her favourable disposition to American commerce.

The undersigned prays Mr. Armstrong to accept the assurance of his high consideration.

(Signed)

CHAMPAGNY,  
Duc de Cadore.

Paris, February 14, 1810.

*His excellency the Minister Plenipotentiary of the United States.*

*General Armstrong to the Duke of Cadore.*

Paris, March 10, 1810.

SIR,

I had yesterday the honour of receiving a verbal message from your excellency, stating, that his majesty had decided, that "the American property seized in the ports of Spain should be sold, but that the money arising therefrom should remain in depot."

On receiving this information, two questions suggested themselves.

1. Whether this decision was or was not extended to ships as well as to cargoes? and,

2. Whether the money arising from the sales which might be made under it, would or would not be subject to the issue of the pending negotiation?

The gentleman charged with the delivery of your message not having been instructed to answer these questions, it becomes my duty to present them to your excellency, and to request a solution of them. Nor is it less a duty on my part to examine the ground on which his majesty has been pleased to take this decision, which I understand to be that of *reprisal*, suggested for the first time in the note you did me the honour to write to me on the 14th ultimo. In the 4th paragraph of this note it is said, that "his majesty could not have calculated on the measures taken by the United States, who, having no ground of complaint against France, have comprised her in their acts of exclusion, and since the month of May last, have prohibited the entry into their ports of French vessels by subjecting them to confiscation." It is true that the United States have since the 20th of May last forbidden the entry of French vessels into their harbours, and it is also true that the penalty of confiscation attaches to the violation of this law. But in what respect does this offend France? Will she refuse to us the right of regulating commerce within our own ports? Or will she deny that the law in question is a regulation merely municipal? Examine it both as to object and means. What does it more than forbid American ships from going into the ports of France, and French ships from coming into those of the United States? And why this prohibition? To avoid injury and insult; to escape that lawlessness which is declared to be "a forced consequence of the decrees of the British council." If then its object be purely defensive, what are its means? Simply a *law*, previously and generally promulgated, operating solely within the territory of the United States, and punishing alike the infractors of it, whether citizens of the said states or

others. And what is this but the exercise of a right, common to all nations, of excluding at their will foreign commerce, and of enforcing that exclusion? Can this be deemed a wrong to France? Can this be regarded as a legitimate cause of reprisal on the part of a power, who makes it the first duty of nations to defend their sovereignty, and who even denationalizes the ships of those who will not subscribe to the opinion?

But it has been said, that the "United States have nothing to complain of against France."

*Was the capture and condemnation of a ship driven on the shores of France by stress of weather and the perils of the sea, nothing? Was the seizure and sequestration of many cargoes brought to France in ships violating no law, and admitted to regular entry at the imperial custom-houses, nothing? Was the violation of our maritime rights, consecrated as they have been by the solemn forms of a public treaty, nothing? In a word, was it nothing that our ships were burnt on the high seas without other offence than that of belonging to the United States, or other apology than was to be found in the enhanced safety of the perpetrator? Surely if it be the duty of the United States to resent the theoretical usurpations of the British Orders of November, 1807, it cannot be less their duty to complain of the daily and practical outrages on the part of France. It is indeed true, that were the people of the United States destitute of policy, of honour and of energy, (as has been insinuated), they might have adopted a system of discrimination between the two great belligerents; they might have drawn imaginary lines between the first and second aggressor; they might have resented in the one a conduct to which they tamely submitted in the other; and in this way have patched up a compromise between honour and interest, equally mean and disgraceful. But such was not the course they pursued, and it is perhaps a necessary consequence of the justice of their measures, that they are at this day an independent nation. But I will not press this part of my subject; it would be affrontful to your Excellency (knowing as you do, that there are not less than one hundred American ships within his majesty's possession, or that of his allies), to multiply proofs, that the United States have grounds of complaint against France.*

My attention is necessarily called to another part of the same paragraph, which immediately follows the quotation already made. "As soon," says your excellency, "as his majesty was informed of this measure, (the non-intercourse law), it became his duty to retaliate on the American vessels, not only within his own territories, but also within the countries under his influence. In the ports of Holland, Spain, Italy, and Naples, the American vessels have been seized, because the Americans had seized French vessels."

These remarks divide themselves into the following heads:

1. The right of his majesty to seize and confiscate American vessels within his own territories.

2. The right to do so within the territories of his allies; and

3. The reason of that right, viz. because *Americans had seized French vessels.*

The first of these subjects has been already examined, and the second must be decided like the first, since his majesty's rights within the limits of his ally cannot be greater than within his own. If then it has been shown, that the non-intercourse law was merely defensive in its object; that it was but intended to guard against that state of violence which unhappily prevailed; that it was restricted in its operation to the territory of the United States, and that it was duly promulgated there and in Europe before execution, it will be almost unnecessary to repeat, that a law of such description cannot authorize a measure of *reprisal*, equally sudden and silent in its enactment and application, founded on no previous wrong, productive of no previous complaint, and operating beyond the limits of his majesty's territories, and within those of sovereigns who had even invited the commerce of the United States to their ports.

It is, therefore, the third subject only, *the reason of the right*, which remains to be examined: and, with regard to it, I may observe, that if the alleged fact, which forms this reason, be unfounded, the reason itself fails and the right with it. In this view of the business, I may be permitted to inquire, when and where any seizure of a French vessel has taken place, under the non-intercourse law? And, at the same time, to express my firm persuasion, that no such seizure has been made, a persuasion founded alike on the silence of the government and of the journals of the country, and still more, on the positive declaration of several well-informed and respectable persons, who have left America as late as the 26th of December last. My conclusion, therefore, is, that no *French vessel* having violated the law, no seizure of such vessel has occurred; and that the report, which has reached Paris, is probably founded on a circumstance altogether unconnected with the non-intercourse law or its operation.

Though far from wishing to prolong this letter, I cannot close it without remarking the great and sudden change wrought in his majesty's sentiments, with regard to the defensive system adopted by the United States.

The law which is now believed to furnish ground for reprisal, was first communicated to his majesty in June or July last, and certainly did not then excite any suspicion of feeling unfriendly to the American government. Far from this, its communication was immediately followed by overtures of accommodation, which, though productive of no positive arrangement, did not make matters worse than they found them.

On the 22d of August last, I was honoured with a full exposition of the views and principles which had governed, and which should continue to govern, his majesty's policy in relation to the United States, and in *this* we do not find the slightest trace of complaint against the provisions of the law in question.

At a period later than the 22d of August, an American ship, destined to a port of Spain, was captured by a French privateer. An appeal was made to his majesty's minister of war, who, having submitted the case, received orders *to liberate all American vessels, destined to Spanish ports, which had not violated the imperial decrees.* Another American ship, at a point of time still later than the capture of the preceding, was brought into the port of Bayonne, but having violated no law of his majesty, was acquitted by his council of prizes. And, lastly, in the long conversation I had the honour of holding with your excellency, on the 25th of January, no idea of reprisal was maintained by you, nor suspected by me; but, on the contrary, in speaking of the seizure of American property, in Spain, you expressly declared, that it was not a confiscation.

Can proofs be more conclusive, that, from the first promulgation of the law down to the 25th of January last, nothing in the nature of a reprisal was contemplated by his majesty?

What circumstance may have since occurred, to produce a change in his opinion, I know not; but the confidence I feel in the open and loyal policy of his majesty, altogether excludes the idea, that the rule was merely found for the occasion, and made to justify seizures, not otherwise justifiable.

I pray your excellency to accept, &c. &c.

(Signed)

JOHN ARMSTRONG.

*His Excellency the Duke of Cadore, &c. &c. &c.*

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*General Armstrong to Mr. Smith.*

Paris, April 16th, 1810.

SIR,

The John Adams being yet detained, I am able to inform you, that on the 11th inst. the emperor directed the sale of all the American vessels taken in the ports of Spain, and that the money arising therefrom should be placed in his *caisse privéé*. He has also refused to give up the *Hero*, and has ordered, that the case be brought before the council of prizes, where condemnation necessarily awaits it. I send a copy of a note upon which this last order was taken, and another relating to our business in Naples.

And am, with very high consideration,

Your most obdt. and very humbl. Servant,

(Signed)

JOHN ARMSTRONG.

*The Hon. Mr. Smith, &c. &c. &c.*

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*Extract of a Letter from General Armstrong to Mr. Smith, dated*

Paris, May 24th, 1810.

"Some circumstances have occurred, since the date of my dispatch by Mr. Ronaldson, which, from their importance, make a speedy conveyance necessary. These I shall detail as briefly as possible.

1st. On the 14th instant was published here in the official and

other journals, a decree of the emperor, dated at Rambouillet, on the 23d of March last, directing the seizure and sale of all American vessels which had entered the ports of the empire, or of its dependencies, since the 20th of May last, &c. &c. &c.

2d. Four commissioners have been sent to Amsterdam, with orders to take possession of the American property to be found there, agreeably to the 10th article of the late treaty between France and Holland : and,

3d. Several of our ships and cargoes, with regard to which compromises have been made under the sanction of the council of prizes, have been seized again to satisfy the provisions of the new decree."

Translation of a Decree, issued by the Emperor of the French, at Rambouillet, 23d March, 1810.

*Napoleon, &c. &c. &c. considering, that the government of the United States, by an act, dated 1st March, 1809, which forbids the entrance of the ports, harbours, and rivers of the said states to all French vessels, orders, 1st. That after the 20th May following, vessels under the French flag, which shall arrive in the United States, shall be seized and confiscated as well as their cargoes. 2dly. That after the same epoch, no merchandize or produce, the growth or manufacture of France, or her colonies, can be imported into the said United States, from any foreign port or place whatsoever, under the penalty of seizure, confiscation, and a fine of three times the value of the merchandize. 3dly. That American vessels cannot go to any port of France, of her colonies, or dependencies: We have decreed and do decree as follows:*

Art. 1. All vessels navigating under the flag of the United States, or possessed, in whole or in part, by any citizen or subject of that power, which, counting from the 20th May, 1809, have entered or shall enter into the ports of our empire, of our colonies, or of the countries occupied by our arms, shall be seized, and the product of the sales shall be deposited in the surplus fund (*caisse d'amortissement*.)

There shall be exempted from this regulation, the vessels which shall be charged with dispatches, or with commissions of the government of the said states, and who shall not have either cargoes or merchandize on board.

Our grand judge, minister of justice, and our minister of finance are charged with the execution of our present decree.

(Signed)

NAPOLÉON.

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*Mr. Smith to General Armstrong.*

Department of State, June 5, 1810.

SIR,

Your letters of the 17th, 18th, and 21st February, and 10th, 15th, 21st, and 24th March, with their several enclosures, were received on the 21st May.

As the John Adams is daily expected, and as your further communications by her will better enable me to adapt to the actual state of our affairs with the French government, the observations proper to be made in relation to their seizure of our property, and to the letter of the duke of Cadore, of the 14th of February, it is by the president deemed expedient not to make at this time any such animadversions. I cannot, however, forbear informing you, *that a high indignation is felt by the president, as well as by the public, at this act of violence on our property, and at the outrage, both in the language and in the matter, of the letter of the Duke of Cadore, so justly portrayed in your note to him of the 10th of March.*

The particular object of this letter is to add to my dispatches of the 4th and 22d of May, another chance of hastening into your hands a copy of the act of congress of the last session concerning the commercial intercourse between the United States and Great Britain and France.

*In the fourth section of this act you will perceive a new modification of the authority given to the president. If there be sincerity in the language held at different times by the French government, and especially in the late overture to proceed to amicable and just arrangements in case of our refusal to submit to the British orders in council, no pretext can be found for longer declining to put an end to the decrees of which the United States have so justly complained. By putting in force, agreeably to the terms of this statute, the non-intercourse against Great Britain, the very species of resistance would be made which France has been constantly representing as most efficacious. It may be added, that the form in which the law now presents the overture, is as well calculated as the overture itself, to gain a favourable attention, inasmuch as it may be regarded by the belligerent, first accepting it, as a promise to itself, and a threat only to its adversary.*

*If, however, the arrangement contemplated by the law, should be acceptable to the French government, you will understand it to be the purpose of the president not to proceed in giving it effect, in case the late seizure of the property of the citizens of the United State has been followed by an absolute confiscation, and restoration be finally refused. The only ground, short of a preliminary restoration of the property, on which the contemplated arrangement can be made, will be an understanding that the confiscation is reversible and that it will become immediately the subject of discussion, with a reasonable prospect of justice to our injured citizens.*

I have the honour, &c. &c.

(Signed)

R. SMITH.

General Armstrong, &c. &c.

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Mr. Smith to General Armstrong.

Department of State, June 5, 1810.

SIR,

The arrival of the John Adams brought your letters of the 1st, 4th, 7th, and 16th of April.



From that of the 16th of April it appears, that the seizures of the American property, lately made, had been followed up by its actual sale, and that the proceeds had been deposited in the emperor's *casse privé*. *You have represented in such just colours, the enormity of this outrage,* that I have only to signify to you, that the president entirely approves the step that has been taken by you, and that he does not doubt that it will be followed by you, or the person who may succeed you, with such further interpositions as may be deemed advisable. He instructs you particularly to make the French government sensible of the deep impression made here by *so signal an aggression on the principles of justice and of good faith,* and to demand every reparation of which the case is susceptible. *If it be not the purpose of the French government to remove every idea of friendly adjustment with the United States, it would seem impossible but that a reconsideration of this violent proceeding must lead to a redress of it, as a preliminary to a general accommodation of the differences between the two countries.*

At the date of the last communication from Mr. Pinkney, he had not obtained from the British government an acceptance of the condition, on which the French government was willing to concur, in putting an end to all the edicts of both, against our neutral commerce. If he should afterwards have succeeded, you will of course, on receiving information of the fact, immediately claim from the French government the fulfilment of its promise, and by transmitting the result to Mr. Pinkney, you will co-operate with him in completing the removal of all the illegal obstructions to our commerce.

Among the documents now sent, is another copy of the act of congress, repealing the non-intercourse law, but authorizing a renewal of it against Great Britain, in case France shall repeal her edicts and Great Britain refuse to follow her example, and *vice versa*. You have been already informed that the president is ready to exercise the power vested in him for such a purpose, as soon as the occasion shall arise. Should the other experiment, in the hands of Mr. Pinkney have failed, you will make the act of congress, and the disposition of the president, the subject of a formal communication to the French government, and it is not easy to conceive any ground, even specious, on which the overture specified in the act can be declined.

If the non-intercourse law, in any of its modifications, was objectionable to the emperor of the French, that law no longer exists.

If he be ready, as has been declared in the letter of the Duke of Cadore, of February 14, to do justice to the United States, in the case of a pledge on their part not to submit to the British edicts, the opportunity for making good the declaration is now afforded. Instead of submission, the president is ready, by renewing the non-intercourse against Great Britain, to oppose to her orders in council a measure, which is of a character that ought to satisfy any reasonable expectation. If it should be necessary for you to meet the question, whether the non-intercourse will be renewed against

Great Britain, in case she should not comprehend, in the repeal of her edicts, her blockades, which are not consistent with the law of nations, you may, should it be found necessary, let it be understood, that a repeal of the illegal blockades, of a date prior to the Berlin decree, namely, that of May, 1806, will be included in the condition required of Great Britain; that particular blockade having been avowed to be comprehended in, and of course identified with the orders in council. With respect to blockades, of a subsequent date or not, against France, you will press the reasonableness of leaving them, together with future blockades not warranted by public law, to be proceeded against by the United States in the manner they may choose to adopt. *As has been heretofore stated to you, a satisfactory provision for restoring the property lately surprised and seized by the order, or at the instance of the French government, must be combined with a repeal of the French edicts, with a view to a non-intercourse with Great Britain: such a provision being an indispensable evidence of the just purpose of France towards the United States.* And you will, moreover, be careful, in arranging such a provision for that particular case of spoliation, not to weaken the ground on which a redress of others may be justly pursued.

If the act of congress, which has legalized a free trade with both the belligerents, without guarding against British interruptions of it with France, whilst France cannot materially interrupt it with Great Britain, be complained of as leaving the trade on the worst possible footing for France, and on the best possible one for Great Britain, the French government may be reminded of the other feature of the act, which puts it in their own power to obtain either an interruption of our trade with Great Britain, or a recal of her interruption of it with France.

Among the considerations which belong to this subject, it may be remarked, *that it might have been reasonably expected, by the United States, that a repeal of the French decrees would have resulted from the British order in council of April, 1809. This order expressly revoked the preceding orders of November, 1807, heretofore urged by France in justification of her decrees, and was not only different in its extent and its details, but was essentially different in its policy.*

The policy of the orders of 1807 was, by cutting off all commercial supplies, to retort on her enemies the distress which the French decree was intended to inflict on Great Britain.

The policy of the order of April, 1809, if not avowedly, was most certainly to prevent such supplies, by shutting out those only which might flow from neutral sources, in order thereby to favour a surreptitious monopoly to British traders. In order to counteract this policy, it was the manifest interest of France to have favoured the rival and cheaper supplies through neutrals; instead of which, she has co-operated with the monopolizing views of Great Britain, by a rigorous exclusion of neutrals from her ports. She has in fact reversed the operation originally professed by her decree. In stead of annoying her enemy at the expense of a friend, she has now a friend for the benefit of her enemy.

If the French government should accede to the overture contained in the act of congress, by repealing or so modifying its decrees, as that they will cease to violate our neutral rights, you will, if necessary, transmit the repeal, properly authenticated, to Mr. Pinkney, by a special messenger, and you will hasten and insure the receipt of it here, by engaging a vessel, if no equivalent conveyance should offer, to bring it directly from France, and by sending several copies to Mr. Pinkney, to be forwarded from British ports.

*I have the honour, &c. &c.*

*(Signed)*

*R. SMITH.*

*General Armstrong, &c. &c.*

*The Duke de Cadore to General Armstrong.*

[Translation.]

Paris, August 5, 1810.

SIR,

I have laid before his majesty, the emperor and king, the act of congress of the 1st of May, taken from the Gazette of the United States, which you have sent me.

His majesty could have wished that this act, and all the other acts of the government of the United States, which interest France, had always been officially made known to him. In general he has only had a knowledge of them indirectly, and after a long interval of time. There has resulted from this delay serious inconveniences, which would not have existed if these acts had been promptly and officially communicated.

The emperor had applauded the general embargo, laid by the United States on all their vessels, because that measure, if it has been prejudicial to France, had in it, at least, nothing offensive to her honour. It has caused her to lose her colonies of Martinique, Guadalupe, and Cayenne: the emperor has not complained of it. He has made this sacrifice to the principle which had determined the Americans to lay the embargo, inspiring them with the noble resolution of interdicting to themselves the ocean, rather than to submit to the laws of those who wished to make themselves the tyrants (*les dominateurs*) of it.

The act of the 1st of March has raised the embargo, and substituted for it a measure the most injurious to the interests of France.

This act, of which the emperor knew nothing until very lately, interdicted to American vessels the commerce of France, at the time it authorized that to Spain, Naples, and Holland, that is to say, to the countries under French influence, and denounced confiscation against all French vessels which should enter the ports of America. Retaliation was a right, and commanded by the dignity of France, a circumstance on which it was impossible to make a compromise (*de transigir*). The sequester of all the American vessels in France has been the necessary consequence of the measure taken by congress.

Now congress retrace their steps, (*revient sur ses pas*); they revoke the act of the 1st of March; the ports of America are open to French commerce, and France is no longer interdicted to the Americans. In short, congress engages to oppose itself to that one of the belligerent powers which should refuse to acknowledge the rights of neutrals.

In this new state of things, I am authorized to declare to you, Sir, that the decrees of Berlin and Milan are revoked, and that after the first of November they will cease to have effect; it being well understood that, in consequence of this declaration, the English shall revoke their orders in council, and renounce the few principles of blockade which they have wished to establish, or, that the United States, conformably to the act you have just communicated, shall cause their rights to be respected by the English.

It is with the most particular satisfaction, Sir, that I make known to you this determination of the emperor. His majesty loves the Americans. Their prosperity and their commerce are within the scope of his policy.

The independence of America is one of the principal titles of glory to France. Since that epoch the emperor has taken pleasure in aggrandizing the United States; and, under all circumstances, whatever can contribute to the independence, to the prosperity and the liberty of the Americans, the emperor will consider as conformable with the interests of his empire.

Accept, Sir, the assurance of my high consideration,

(Signed)

CHAMPAGNY, Duc de Cadore.

*His Excellency General Armstrong, &c.*

*General Armstrong to the Duke of Cadore.*

SIR,

[No date.]

The enclosed copy of the law of the United States of the 1st of May last, has been transmitted to me *officially* by the secretary of state, and I hasten to lay it before your excellency. It will supply any want of authenticity which may be found in that already communicated.

In making this second communication of the law, I cannot but recal to your recollection an inference, injurious either to my government, or to myself, which may be drawn from the first paragraph of the letter you did me the honour to write to me on the 5th instant. In this paragraph it is said: "S. M. auroit désiré, que cet acte, et tous les autres actes du gouvernement des Etats Unis, qui peuvent intéresser la France, lui eussent toujours été notifiés officiellement. En general elle n'en a eu connoissance qu'indirectement, et apres un long intervalle du temps. Il resulte de ce retard, des inconveniens graves, qui n'aurpient pas lieu, si ces actes estoient promptement et officiellement communique".

\* *Translation.* "His majesty could have wished, that this act and all the other acts of the government of the United States, which interest France, had always been officially made known to him. In general he has only had a

From these words it may be inferred, either that the United States have been habitually negligent in transmitting to me, such of their acts as concern France, or that I have neglected to perform my duty, in not presenting these acts with sufficient promptitude.

In looking back on the public measures of the United States, which in any way interest France, I find but the following, viz:

1st. An act prohibiting commercial intercourse between the United States and St. Domingo.

2d. An act laying an embargo on the ships or other vessels of the United States.

3d. An act prohibiting all commercial intercourse between the United States and France.

4th. An arrangement made between the secretary of state of the United States; and the minister of his Britannic majesty at Washington; and

5th. The late act of the 1st May. Now of these, *all* have been presented *officially*; and, making a proper allowance for the remoteness of the United States from France, with sufficient promptitude, excepting the *last* which (from causes unknown to me) did not reach Paris until yesterday. Your excellency can at any time ascertain the correctness of this statement by referring to the archives of your own department. I have the honour, &c. &c.

(Signed)

JOHN ARMSTRONG.

*His Excellency the Duke de Cadore.*

*Extracts of a Letter from General Armstrong to Mr. Smith, dated*  
September 10, 1810.

"Since the date of my last dispatch (by Mr. Jarvis) nothing has occurred worth communicating, until yesterday, when I received the letter from the Duke of Cadore, of which No. 1. (enclosed) is a copy. By this it will be seen that the decree of Rambouillet is not in operation, and that American ships entering the ports of France before the 1st of November next, will be judged under the decrees of Berlin and of Milan."

"No. 2. is the copy of a note written to Mr. Champagny, with a view of drawing from him something explicit, on the points of which it treats. The first of these may appear to have been useless, after the declaration of that minister, that American ships, which will hereafter arrive in the ports of France, shall not be subject to confiscation; but understanding from the council of prizes, that until some act be taken which had the effect of recalling by name the decree of the 23d of March last, they must continue to consider it both as existing and operative, and of course binding upon them, I hastened to present the subject again, and in a form which leaves no room for misunderstanding."

12th September. I have the honour to enclose copies of two other letters from the Duke of Cadore, one of which is an answer

knowledge of them indirectly, and after a long interval of time. There has resulted from this delay serious inconveniences, which would not have existed, if these acts had been promptly and officially communicated."

to my note of the 8th instant. To the question, whether we had any thing to expect in reparation for past wrongs? they reply, that their act being of reprisal, the law of reprisal must govern; in other words, that *if you confiscate French property under the law of non-intercourse, they will confiscate your property under their decree of Rambouillet.* The words underscored is the verbal explanation which accompanied the letter."

"I set out this day for Bourdeaux, (on my way to the United States,) and hope to begin my voyage from that port on the 1st of October next."

*The Duke of Cadore to General Armstrong.*

[Translation.]

SIR,

Paris, September 7, 1810.

You have done me the honour to ask of me, by your letter of the 20th of August, what will be the lot of the American vessels which may arrive in France before the 1st of November.

His majesty has always wished to favour the commerce of the United States. It was not without reluctance that he used reprisal towards the Americans while he saw that congress had ordered the confiscation of all French vessels which might arrive in the United States.

It appears that congress might have spared to his majesty and his subjects this mortification, (ce desagrement) if in place of that harsh and decisive measure, which left to France no choice, they had used some palliative, such as that of not receiving French vessels, or of sending them away, after a delay of so many days.

*As soon as his majesty was informed of this hostile act, he felt that the honour of France, involved in this point, could not be cleansed (ne pouvait être lavé) but by a declaration of war, (which) could not take place but by tedious explanations.*

The emperor contented himself with making reprisals; and in consequence, he applied to American vessels which came to France, or to the countries occupied by the French armies, word for word, the regulations of the act of congress.

Since the last measures by which that hostile act is repealed, his majesty hastens to cause it to be made known to you, that he anticipates that which may re-establish harmony with the United States, and that *he repeals his decrees of Berlin and Milan, under the conditions pointed out in my letter to you of the 5th of August.*

\*During this interval, the American vessels which shall arrive in France, will not be subjected to confiscation; because the act of congress, which had served as a motive to our reprisals is repealed; but these vessels will be subjected to all the effects of the Berlin and Milan decrees: that is to say, they will be treated *amicably*. if they can be considered as Americans, and *hostilely*, if they have lost their national character (s'ils se sont laissé dénationaliser) by submitting to the orders in council of the British government.

I have the honour to renew to you, Sir, the assurance of my high consideration. (Signed) CHAMPAGNY, Duc de Cadore.

*His Excellency General Armstrong, &c. &c. &c.*

*General Armstrong to the Duke of Cadore.*

Paris, September (7), 1810.

SIR,

Your excellency will not think me importunate if I should employ the last moments of my stay in Paris, in seeking an explicit declaration on the following points:

1. Has the decree of his majesty of the 23d of March last, enjoining acts of reprisal against the commerce of the United States, on account of their late law of non-intercourse, been recalled?

2. What will be the operation (on the vessels of the United States) of his majesty's decree of July last; forbidding the departure of neutral ships from ports of France, unless provided with *imperial licenses*? Are these licenses merely substitutes for clearances? or do they prescribe regulations to be observed by the holders of them within the jurisdiction of the United States?

Do they confine the permitted intercourse to two ports only of the said states? and do they enjoin that all shipments be made on French account exclusively?

Is it his majesty's will, that the seizures made in the ports of Spain and other places, on the principle of reprisal, shall become a subject of present or future negotiation between the two governments? or, are the acts already taken by his majesty to be regarded as conclusive against remuneration?

I need not suggest to your excellency the interest that both governments have in the answers that may be given to these questions, and how nearly connected they are with the good understanding which ought to exist between them. After the great step lately taken by his majesty towards an accommodation of differences, we are not at liberty to suppose that any new consideration will arise, which shall either retard or prevent the adoption of measures necessary to a full restoration of the commercial intercourse and friendly relation of the two powers.

I cannot omit expressing, on this occasion, the sense I shall carry with me of the many obligations I am personally under to your excellency, and of the very high consideration with which I have the honour to be, your most obedient, very humble servant,

(Signed)

JOHN ARMSTRONG.

*His Excellency the Duke of Cadore, &c. &c. &c.*

[Translation.]

*The Duke of Cadore to General Armstrong.*

Paris, September 12, 1810.

SIR,

I have received your letter of the 7th September. That which I wrote to you the same day answered the first of the questions you put to me. I will add to what I have had the honour to write to you, that the decree of the 23d March, 1810, which ordered reprisals in consequence of the act of congress of the 1st March, 1809, was repealed as soon as we were informed of the repeal of the act of *non-intercourse* passed against France.

On your second question I hasten to declare to you, that American vessels loaded with merchandise, the growth of the American provinces, will be received without difficulty in the ports of France, *provided they have not suffered their flag to lose its national character, by submitting to the acts of the British council*; they may in like manner depart from the ports of France. The emperor has given licenses to American vessels. It is the only flag which has obtained them. In this his majesty has intended to give a proof of the respect he loves to show to the Americans. If he is somewhat dissatisfied (*peu satisfaite*) that they have not as yet been able to succeed in causing their flag to be respected, at least he sees with pleasure that they are far from acknowledging the tyrannical principles of English legislation.

The American vessels which may be loaded on account of Frenchmen or on account of Americans, will be admitted into the ports of France. As to the merchandise *confiscated*, it having been *confiscated as a measure of reprisal, the principles of reprisal must be the law in that affair*. I have the honour to renew to you, sir, the assurance of my high consideration.

(Signed)

CHAMPAGNY, Duc de Cadore.

*His Excellency General Armstrong, &c. &c. &c.*

\* The President of the United States stands pledged not to proceed in giving effect to the act of the first of May, in favour of France, "in case the late seizure of the property of the citizens of this country has been followed by an absolute confiscation, and restoration be *finally* refused."—"The only ground," says our Secretary of State, in his letter to General Armstrong on this subject, "short of a preliminary restoration of the property, on which the contemplated arrangement can be made, will be an understanding that the confiscation is reversible, and that it will become immediately the subject of discussion, with a reasonable prospect of justice to our injured citizens." There has been no distinct, formal understanding with the French government, that the confiscation is reversible, and the language used by the President in his Message gives us plainly to infer, that there is as yet no, "reasonable prospect of justice to our injured citizens." General Armstrong quitted France without having left this business even in a train of adjustment, and received only a verbal assurance, as he tells us, that the fate of the property seized in France, would depend upon that of the French vessels seized here, under our Non-intercourse Law. A verbal assurance, particular to the French government, will not, we suppose, be construed even *final* by the most sanguine of our politicians into "a reasonable prospect of redress to our injured citizens." The only ground of reliance or of reasoning in this case is to be found, in the written declaration in the above letter of the Duke of Cadore, that "As to the merchandise *confiscated*, it having been *confiscated as a measure of reprisal, the principles of reprisal must be the law in that affair*."

The footing upon which the business is here placed, merits a short examination. The French government has not informed us officially, how it construes "this law of Reprisal" which is to govern in the affair, and some sinister omens may be drawn by our "injured citizens" with regard to the interpretation which will be given to this law, when they advert to the meaning of the term *confiscated* employed in the declaration of the French Minister, and to the general character of the French government. Let us apply, however, to this case, the principles of the law of reprisal, as they were universally admitted, and acted upon the world, before the French Re-



## General Armstrong to Mr. Pinkney.

Bordeaux, September 29, 1810.

SIR,

Your letter of the third instant found me at this place, and on the point of embarking for the United States. I hasten therefore, to give it an immediate answer.

volution, and see in what relation France and the United States will then be placed.

No doctrine appertaining to the law of nations, was better settled, than that of reprisals. The great jurists of Europe call a state of reprisals an imperfect war, and lay down the most positive, as well as the most indisputable rules on this subject. If our readers wish to have a full exposition of these rules, from the authorities which formerly decided such questions, we refer them to Grotius, lib. 3. c. 2.—to Puffendorf, lib. 5. c. 13.—to Burlamaqui, liv. 4. ch. 3.—to the discussions between Sir Wm. Temple and the Pensionary de Witt—and to Vattel, lib. 2. c. 17. All the writers on National Law concur in the following maxims, and Vattel is particularly full and explicit;—that reprisals can be justifiably resorted to by a nation, only when she has experienced a *flagrant injustice from another*;—only after redress has been solemnly demanded; and peremptorily refused, or unreasonably delayed;—that property seized under the law of reprisals, is to be restored, when satisfaction is made by the offending nation, and can be subjected to final confiscation in no case but where redress has been refused, and is become hopeless.

Under these maxims, it is impossible to consider the seizure made by the French government, as an act of reprisal, nor is it possible, without sacrificing our national honour, to treat with France on that ground. France sustained no injury from us: she demanded no redress; the seizure which she made was nothing less than an act of rapine, an unprovoked audacious robbery. Our administration call it, in their correspondence with General Armstrong, an enormous outrage;—“a signal aggression on the principles of justice and good faith;”—“a proceeding of violence, for which reparation must be made as a preliminary to a general accommodation of the differences between the two countries, and which must be redressed, if it be not the purpose of the French government to remove every idea of friendly adjustment with the United States.”

Let us now suppose that France is willing to act, in this instance, upon the true principles of the Law of Reprisals, and to restore the property which she has seized, provided we consent to make reparation for the supposed injury, which alone could entitle her to call her proceeding an act of reprisals. Now we assert that the administration of this country cannot consent to treat with France on that ground;—nor make the reparation which she may demand, without wounding the national dignity and honour. They cannot proceed to negotiate with France on the principles of reprisals, without admitting the legality of the French seizures; without admitting, by necessary implication, that France had been injured by us and is entitled to redress; without falsifying thus their own declarations, and conceding the point that they were not authorized to confiscate French property under our Non Intercourse Law;—that is to say, that they were not authorized to exercise a right of territorial sovereignty which they have expressly allowed to France, in the case of the Berlin decree. Nothing, we think, can be clearer than this position;—that any act of restitution, whether real or imaginary, made by us to France, on the principles of reprisals, presupposes necessarily, that France is the party wronged, and the United States the offending nation. To do any act, under all the circumstances of the case, and after the expression of feeling in which our government has indulged on this subject; to do, we say, any act from which such an inference could, by any possibility be drawn,

There was no error in my representation to you, nor in your representation to Lord Wellesley, of the words, or of the meaning, as I understand it, of the Duke of Cadore's note to me; nor indeed do either of these appear to be readily susceptible of mistake. The former, no doubt, *retract*, in the most positive terms, the Berlin and Milan decrees, and, of course, the principles on which these decrees were founded; and in doing so, assuredly give us a fair claim on his Britannic majesty for a fulfilment of the promise made by his minister plenipotentiary to our government, on the 23d day of February, 1808. It would, however, appear by Lord Wellesley's letter to you, of the 31st ultimo, that the British cabinet has given a new version to this promise of his majesty, and that, as a preliminary to its execution, it is now required, not merely that the principles, which had rendered necessary the British system, should be *retracted*, but that the repeal of the French decrees should have actually begun to operate, and that *the commerce of neutral nations (generally) should have been restored to the condition in which it stood previously to the promulgation of these decrees*. It would also appear, from different passages in your letter, that this deviation from the original promise of his majesty grew out of a supposition, that the recal, of the French decrees implied a contemporaneous cessation of the British orders in council of November, 1807, and a repeal, before the first day of November next, of all proclamations, blockades of France, &c. &c. Than this construction nothing can, in my opinion, be more erroneous. Were the repeal of the French decrees dependent alone on what Great Britain may do, the supposition would have in it some colour of reasonableness; but as the conditions of it present an alternative, one side of which depends, not on the will of his Britannic majesty at all, but altogether on that of the United States, and which

is to descend from the level of equality and independence in our relations with France, and to sacrifice our dignity as an equivalent for the restoration of property, for the detention of which there is not the least colour of justice or right.

This is, in fact, the very attitude of humiliation and disgrace in which France may wish to place us. She knows well that she has very little or no property to reclaim from us. It is not then to obtain a restitution of any actual losses sustained by the operation of our non-intercourse law, that she will *condescend* to treat with us upon the principles of reprisal. She calls, or may call, for the mere *formality* of a restitution, with no other view but to obtain reparation for her injured honour. She means to extort from us, in order to glut her own pride and to consummate our debasement, an implied admission that our non-intercourse law was an aggression on her honour, and her measure of sequestration but a fair and justifiable retaliation. We have nothing to restore to her, and must therefore be sensible that she can have no other meaning in demanding from us the *formality* of a restitution.

Notwithstanding these obvious considerations, our secretary of state instructed General Armstrong, to make an agreement to this effect, if it should be demanded, — *in a conventional form to be sanctioned by the senate of the United States*, stating at the same time, that there was no analogy between our non-intercourse law and the decree of Rambouillet! "Light lie the ashes on American pride!"

cannot be adopted by them until *after the first of November* next, it necessarily follows that the conditions are not *precedent*, as has been supposed, but *subsequent*, as I represent them. This reasoning will receive illustration from a plain and unsophisticated statement of the Duke of Cadore's declaration, viz: That the Berlin and Milan decrees will cease to operate after the first day of November next, on one of two conditions; either that Great Britain shall revoke her orders in council, so far as they violate the maritime rights of the United States, or that, refusing to do so, the United States shall revive towards her certain sections of their late non-intercourse law, conformably to an act of congress of the first of May last. In this we find nothing of a contemporaneous cessation of the French decrees and British orders in council, nor that the blockades of France must be recalled before the first day of November next: indeed the very reverse is to be found there; for it contains an express engagement, that the decrees shall cease, if the United States do a certain act which all the world knows they cannot do till *after* that day. These remarks may derive some additional force from the contents of my letter, by Mr. Mason, which will, I hope, show, that the concessions made by France to the United States, are at least sufficiently substantial to invite from Great Britain some measures of a character equally conciliatory, and that "earnestly desiring to see the commerce of the world restored to that freedom which is necessary to its prosperity," and no more hesitating to follow the good, than she has done to follow the bad example of her neighbour and rival, she will go on to declare, that her orders in council, &c. shall cease after the first day of November next, on condition, either *that France shall have actually withdrawn her offensive decrees on that day*, or, *that if she refuse to do so, the United States shall proceed to enforce against her their late non-intercourse law*.

In my view of the subject, nothing short of this can be considered a sufficient pledge, on the part of the British government, which, unlike that of France, presents no alternative in the conditions on which her orders in council shall be repealed, and which, of course, in no way makes that repeal to depend on an act, which would be altogether that of the United States.

I have the honour to be, &c.

(Signed)

JOHN ARMSTRONG.

His Excellency Wm. Pinkney, &c. &c. &c.

*Extracts of a Letter from Mr. Smith to General Armstrong, dated  
Department of State, November 2, 1810.*

"You will herewith receive a printed copy of the proclamation, which conformably to the act of congress, has been issued by the President on the revocation of the Berlin and Milan decrees. You will however let the French government understand, that this has been done on the ground, that the repeal of these decrees does involve

an extinguishment of all the edicts of France, actually violating our neutral rights, and that the reservations under the expression "if being understood," are not conditions precedent, affecting the operation of the repeal, and on the ground also that the United States are not pledged against the blockades of Great Britain beyond what is stated in my letter to you of the 5th July. It is to be remarked, moreover, that in issuing the proclamation, it has been presumed that the requisition contained in that letter, on the subject of the sequestered property, will have been satisfied. This presumption is not only favoured by the natural connexion of the policy and justice of a reversal of that sequestration, with the repeal of the decrees, but is strengthened by concurrent accounts, through different channels, that such property as has been sequestered has been actually restored."

Mr. Smith to General Armstrong.

Department of State, Nov. 5, 1810.

SIR,

As the ground on which the French government has deemed it expedient to place the revocation of its decrees, may suggest to it the further pretext of requiring a restoration of the French property seized here under the non-intercourse law, as a condition to their restoring the American property condemned or sequestered under the French decree of March, you are authorized, in case a restoration can be thus, and not otherwise obtained, to acquiesce in such an arrangement, and, if necessary, to give to such arrangement a conventional form, requiring the sanction of the senate. You will, however, take care to avoid any expressions implying an acknowledgment, on the part of the United States, that the non-intercourse law, which was not retrospective, has any analogy to the French decree, the injustice of which essentially consists in its retrospective operation. In truth, the arrangement on the part of the United States, will be little more than nominal, as will appear by the enclosed copy of a letter from the treasury department. It may be proper to remark, that the 3d section of the act of May, for the recovery of forfeitures under the non-intercourse law, contemplated violations by our own citizens rather than French violations, which could not have been of sufficient importance to have called for such a provision, pointing particularly at them.

I have the honour, &c. &c.

R. SMITH.

(Signed)

General Armstrong, &c. &c.

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*From the Secretary of State to Governor Claiborne.*

Department of State, October 27th, 1810.

SIR,

From the enclosed proclamation of the president of the United States, you will perceive his determination to take possession of the territory therein specified, in the name and behalf of the United States; the considerations which have constrained him to resort to this necessary measure, and his direction that you, as governor of the Orleans Territory, shall execute the same. Of this proclamation, upon your arrival at Natchez, you will, without delay, cause to be printed as many copies, in the English, French, and Spanish languages, as may be deemed necessary, and you will cause the same to be extensively circulated throughout the said territory.

You will immediately proceed by the nearest and best route to the town of Washington in the Mississippi territory. From the secretary at war, you will receive an order to the officers commanding the several frontier posts, to afford you such assistance in passing the wilderness and in descending the western waters as you may require. And as dispatch is very desirable, you are authorized, in case your horses should fail, to procure others at the public expense. After having made at Washington the necessary arrangements with governor Holmes, and with the commanding officer of the regular troops, you will without delay proceed into the said territory, and in virtue of the president's proclamation, take possession of the same in the name and in behalf of the United States.

As the district, the possession of which you are directed to take, is to be considered as making part of the territory of Orleans, you will, after taking possession, lose no time in proceeding to organize the militia, to prescribe the bounds of parishes, to establish parish courts, and finally to do whatever your legal powers applicable to the case will warrant, and may be calculated to maintain order, to secure to the inhabitants the peaceable enjoyment of their liberty, property, and religion, and to place them as far as may be on the same footing with the inhabitants of the other districts under your authority. As far as your powers may be inadequate to these and other requisite objects, the legislature of Orleans, which it is understood will soon be in session, will have an opportunity of making further provisions for them, more especially for giving, by law, to the inhabitants of the said territory, a just share in the representation in the general assembly; it being desirable that the interval of this privation should not be prolonged beyond the unavoidable necessity of the case.

If, contrary to expectation, the occupation of this territory, on the part of the United States, should be opposed by force, the commanding officer of the regular troops on the Mississippi will have orders from the secretary at war to afford you, upon your applica-

tion, the requisite aid, and should an additional force be deemed necessary, you will draw from the Orleans' territory, as will governor Holmes from the Mississippi territory, militia in such numbers, and in such proportions from your respective territories, as you and governor Holmes may deem proper. Should, however, any particular place, however small, remain in possession of a Spanish force, you will not proceed to employ force against it; but you will make immediate report thereof to this department.

You will avail yourself of the first favourable opportunities that may occur to transmit to the several governors of the Spanish provinces in the neighbourhood, copies of the president's proclamation, with accompanying letters of a conciliatory tendency.

*To defray any reasonable expenditures which may necessarily attend the execution of these instructions, the president authorizes you, having due regard to economy, to draw for a sum not exceeding in any event twenty thousand dollars.*

From the confidence which the president justly has in your judgment and discretion, he is persuaded that in the execution of this trust, as delicate as it is important, your deportment will be temperate and conciliatory. Such a line of conduct towards the inhabitants is prescribed as well by policy as by justice.

You will, it is expected, be fully sensible of the necessity, not only of communicating every important event that may occur in the progress of this business, but of transmitting a letter, whatever may be its contents, by every mail to this city.

I have the honour to be, &c.

(Signed)

R. SMITH.

*By the President of the United States of America.*

### A PROCLAMATION.

WHEREAS, the territory south of the Mississippi territory, and eastward of the river Mississippi, and extending to the river Perdido, of which possession was not delivered to the United States in pursuance of the treaty concluded at Paris on the 30th of April, 1803, has at all times, as is well known, been considered and claimed by them, as being within the colony of Louisiana conveyed by the said treaty, in the same extent that it had in the hands of Spain, and that it had when France originally possessed it.

And whereas, the acquiescence of the United States in the temporary continuance of the said territory under the Spanish authority, was not the result of any distrust of their title, as has been particularly evinced by the general tenor of their laws, and by the distinction made in the application of those laws between that territory and foreign countries; but was occasioned by their conciliatory views, and by a confidence in the justice of their cause, and in the success of candid discussion and amicable negotiation with a just and friendly power.

And whereas, a satisfactory adjustment, too long delayed, with out the fault of the United States, has for some time been entirely suspended by events over which they had no control; and whereas a crisis has at length arrived, subversive of the order of things under the Spanish authorities, whereby a failure of the United States to take the said territory into their possession, may lead to events ultimately contravening the views of both parties, whilst in the meantime the tranquillity and security of our adjoining territories are endangered, and new facilities given to violations of our revenue and commercial laws, and of those prohibiting the introduction of slaves.

Considering, moreover, that under these peculiar and imperative circumstances, a forbearance on the part of the United States to occupy the territory in question, and thereby guard against the confusions and contingencies which threaten it, might be construed into a dereliction of their title, or an insensibility to the importance of the state: considering that, in the hands of the United States, it will not cease to be a subject of fair and friendly negotiation and adjustment: considering finally, that the acts of Congress, though contemplating a present possession by a foreign authority, have contemplated also an eventual possession of the said territory by the United States, and are accordingly so framed as in that case to extend in their operation to the same:

Now be it known, That I, JAMES MADISON, President of the United States of America, in pursuance of these weighty and urgent considerations, have deemed it right and requisite, that possession should be taken of the said territory in the name and behalf of the United States. William C. C. Claiborne, governor of the Orleans territory, of which the said territory is to be taken as part, will accordingly proceed to execute the same; and to exercise over the said territory the authorities and functions legally appertaining to his office. And the good people inhabiting the same are invited and enjoined to pay due respect to him in that character, to be obedient to the laws, to maintain order, to cherish harmony, and in every manner to conduct themselves as peaceable citizens, under full assurance that they will be protected in the enjoyment of their liberty, property, and religion.

IN TESTIMONY WHEREOF, I have caused the seal of the United States to be hereunto affixed, and signed the same with my hand.

(L. S.) Done at the city of Washington, the twenty-seventh day of October, Anno Domini, one thousand eight hundred and ten, and in the thirty-fifth year of the Independence of the United States.

(Signed)

By the President.

(Signed)

JAMES MADISON.

ROBERT SMITH,  
*Secretary of State.*







# APPENDIX.

## STATE PAPERS.

### TREATY

*Of Amity, Commerce, and Navigation between his Britannic Majesty and his Royal Highness the Prince Regent of Portugal.  
Signed at Rio de Janeiro, the 10th of February, 1810.*

ARTICLE 1. There shall be a sincere and perpetual friendship between his Britannic Majesty and his Royal Highness the Prince Regent of Portugal, and between their heirs and successors; and there shall be a constant and universal peace and harmony between themselves, their heirs and successors, kingdoms, dominions, provinces, countries, subjects, and vassals, of whatsoever quality or condition they be, without exception of person or place; and the stipulations of this present article shall, under the favour of Almighty God, be permanent and perpetual.

ART. 2. There shall be reciprocal liberty of commerce and navigation between and amongst the respective subjects of the two high contracting parties in all, and several of the territories and dominions of either. They may trade, travel, sojourn, or establish themselves in all and several the ports, cities, towns, countries, provinces, or places whatsoever, belonging to each and either of the two high contracting parties, except and save in those from which all foreigners whatsoever are generally and positively excluded, the names of which places may be hereafter specified in a separate article of this treaty. Provided, however, that it be thoroughly understood, that any place belonging to either of the two high contracting parties, which may hereafter be opened to the commerce of the subjects of any other country, shall thereby be considered as equally opened, and upon correspondent terms, to the subjects of the other high contracting party, in the same manner as if it had been expressly stipulated by the present treaty. And his Britannic Majesty, and his Royal Highness the Prince Regent of Portugal, do hereby bind and engage themselves not to grant any favour, privilege, or immunity, in matters of commerce and navigation, to the subjects of any other state, which shall not be also at the same time respectively extended to the subjects of the high contracting

parties, gratuitously; if the concession in favour of that other State should have been gratuitous, and on giving *quam proximè*, the same compensation or equivalent, in case the concession should have been conditional.

ART. 3. The subjects of the two Sovereigns shall not pay in the ports, harbours, roads, cities, towns, or places whatsoever, belonging to either of them, any greater duties, taxes, or imposts, (under whatsoever names they may be designated or included) than those that are paid by the subjects of the most favoured nation; and the subjects of each of the high contracting parties shall enjoy within the dominions of the other, the same rights, privileges, liberties, favours, immunities, or exemptions, in matters of commerce and navigation that are granted or may hereafter be granted to the subjects of the most favoured nation.

ART. 4. His Britannic Majesty, and his Royal Highness the Prince Regent of Portugal, do stipulate and agree that there shall be a perfect reciprocity on the subject of the duties and imposts to be paid by the ships and vessels of the high contracting parties within the several ports, harbours, roads, and anchoring places belonging to each of them; to wit, that the ships and vessels of the subjects of his Britannic Majesty shall not pay any higher duties or imposts (under whatever name they may be designated or implied) within the dominions of his Royal Highness the Prince Regent of Portugal, than the ships and vessels belonging to the subjects of his Royal Highness the Prince Regent of Portugal shall be bound to pay within the dominions of his Britannic Majesty, and *vice versa*. And this agreement and stipulation shall expressly extend to the payment of duties known by the name of Port Charges, Tonnage, and Anchorage Duties, which shall not in any case, or under any pretext, be greater for British ships and vessels within the dominions of his Royal Highness the Prince Regent of Portugal, than for Portuguese ships and vessels within the dominions of his Britannic Majesty, and *vice versa*.

ART. 5. The two high contracting parties do also agree, that the same rates of bounties and drawbacks shall be established in their respective ports upon the exportation of goods and merchandises, whether those goods or merchandises be exported in British or in Portuguese ships and vessels; that is, that British ships and vessels shall enjoy the same favour in this respect, within the dominions of his Royal Highness the Prince Regent of Portugal, that may be shown to Portuguese ships and vessels within the dominions of his Britannic Majesty, and *vice versa*. The two contracting parties do also covenant and agree, that goods and merchandises coming respectively from the ports of either of them, shall pay the same duties, whether imported in British or in Portuguese ships or vessels, or otherwise, that an increase of duties may be imposed and exacted upon goods and merchandises coming into the ports of the dominions of his Royal Highness the Prince Regent of Portugal from those of his Britannic Majesty in British ships, equivalent, and in exact proportion to any increase of duties

that may hereafter be imposed upon goods and merchandises coming into the ports of his Britannic Majesty from those of his Royal Highness the Prince Regent of Portugal, imported in Portuguese ships. And in order that this matter may be settled with due exactness, and that nothing may be left undetermined concerning it, it is agreed, that tables shall be drawn by each government, respectively specifying the difference of duties to be paid on goods and merchandises so imported in British or Portuguese ships and vessels: and the said tables (which shall be made applicable to all the ports within the respective dominions of each of the contracting parties) shall be declared and adjudged to form part of this present treaty.

In order to avoid any differences or misunderstanding with respect to the regulations which may respectively constitute a British or Portuguese vessel, the high contracting parties agree to declare, that all vessels built in the dominions of his Britannic Majesty, and owned, navigated, and registered according to the laws of Great Britain, shall be considered as British vessels. And that all ships or vessels built in the countries belonging to his Royal Highness the Prince Regent of Portugal, or in any of them, or ships taken by any of the ships or vessels of war belonging to the Portuguese government, or any of the inhabitants of the dominions of his Royal Highness the Prince Regent of Portugal, having commissions or letters of marque and reprisal from the government of Portugal, and condemned as lawful prize in any court of admiralty of the said Portuguese government, and owned by the subjects of his Royal Highness the Prince Regent of Portugal, or any of them, and whereof the master and three-fourths of the mariners, at least, are subjects of his Royal Highness the Prince Regent of Portugal, shall be considered as Portuguese vessels.

ART. 6. The mutual commerce and navigation of the subjects of Great Britain and Portugal, respectively in the ports and seas of Asia, are expressly permitted to the same degree as they have heretofore been allowed by the two crowns. And the commerce and navigation thus permitted, shall hereafter, and for ever, be placed on the footing of the commerce and navigation of the most favoured nation trading in the ports and seas of Asia; that is, that neither of the high contracting parties shall grant any favor or privilege in matters of commerce and navigation, to the subjects of any other state trading within the ports and seas of Asia, which shall not be granted *quam proximè*, on the same terms to the subjects of the other contracting party. His Britannic Majesty engages in his own name, and in that of his heirs and successors, not to make any regulation which may be prejudicial or inconvenient to the commerce and navigation of the subjects of his Royal Highness the Prince Regent of Portugal within the ports and seas of Asia, to the extent which is or may hereafter be permitted to the most favoured nation. And his Royal Highness the Prince Regent of Portugal does also engage in his own name, and in that

of his heirs and successors, not to make any regulations which may be prejudicial or inconvenient to the commerce and navigation of the subjects of his Britannic Majesty within the ports, seas, and dominions opened to them by virtue of the present treaty.

ART. 7. The two high contracting parties have resolved with respect to the privileges to be enjoyed by the subjects of each of them within the territories or dominions of the other, that the most perfect reciprocity shall be observed on both sides. And the subjects of each of the high contracting parties shall have a free and unquestionable right to travel, and to reside within the territories or dominions of the other, to occupy houses and warehouses, and to dispose of personal property of every sort and denomination, by sale, donation, exchange, or testament, or in any other manner whatsoever, without any the smallest impediment or hindrance thereto. They shall not be compelled to pay any taxes or imposts under any pretence whatsoever, greater than those that are paid or may be paid by the native subjects of the sovereign in whose dominions they may be resident. They shall be exempted from all compulsory military service whatsoever, whether by sea or land. Their dwelling houses, warehouses, and all the parts and appurtenances thereof, whether for the purposes of commerce or of residence, shall be respected. They shall not be liable to any vexatious visits and searches, nor shall any arbitrary examination or inspection of their books, papers, or accounts, be made under colour of the supreme authority of the state. It is, however, to be understood, that in the cases of treason, contraband trade, and other crimes, for the detection of which provision is made by the law of the land, that law shall be enforced, it being mutually declared that false and malicious accusations are not to be admitted as pretexts or excuses for vexatious visits and searches, or for examinations of commercial books, papers, or accounts, which visits or examinations are never to take place, except under the sanction of the competent magistrate, and in the presence of the consul of the nation to which the accused party may belong, or of his deputy or representative.

ART. 8. His Royal Highness the Prince Regent of Portugal engages in his own name, and in that of his heirs and successors, that the commerce of British subjects within his dominions shall not be restrained, interrupted, or otherwise affected by the operation of any monopoly, contract, or exclusive privileges of sale or purchase whatsoever, but that the subjects of Great Britain shall have free and unrestricted permission to buy and sell from and to whomsoever, and in whatever form or manner they may please, whether by wholesale or by retail, without being obliged to give any preference or favour in consequence of the said monopolies, contracts, or exclusive privileges of sale or purchase. And his Britannic Majesty does on his part engage to observe faithfully this principle thus recognised and laid down by the two high contracting parties.

But it is to be distinctly understood, that the present article is

not to be interpreted as invalidating or affecting the exclusive right possessed by the Crown of Portugal within its own dominions to the form for the sale of ivory, Brazil wood, urzela, diamonds, gold dust, gunpowder, and tobacco in the form of snuff: provided, however, that should the above mentioned articles, generally or separately, ever become articles of free commerce within the dominions of his Royal Highness the Prince Regent of Portugal, the subjects of his Britannic Majesty shall be permitted to traffic in them as freely and on the same footing as those of the most favoured nation.

ART. 9. His Britannic Majesty and his Royal Highness the Prince Regent of Portugal have agreed and resolved, that each of the high contracting parties shall have the right to nominate and appoint Consuls-General, Consuls, and Vice-Consuls in all the ports of the dominions of the other contracting party, wherein they are or may be necessary, for the advancement of commerce, and for the commercial interests of the trading subjects of either Crown. But it is expressly stipulated, that Consuls, of whatsoever class they may be, shall not be acknowledged nor received, nor permitted to act as such, unless duly qualified by their own Sovereign, and approved of by the other Sovereign in whose dominions they are to be employed; Consuls of all classes within the dominions of each of the high contracting parties are respectively to be placed upon a footing of perfect reciprocity and equality; and being appointed solely for the purpose of facilitating and assisting in affairs of commerce and navigation, they are only to possess the privileges which belong to their station, and which are recognised and admitted by all governments as necessary for the due fulfilment of their office and employment. They are in all cases, whether civil or criminal, to be entirely amenable to the laws of the country in which they may reside, and they are also to enjoy the full and entire protection of those laws as long as they conduct themselves in obedience thereto.

ART. 10. His Royal Highness the Prince Regent of Portugal, desiring to protect and facilitate the commerce of the subjects of Great Britain within his dominions, as well as their relations of intercourse with his own subjects, is pleased to grant to them the privilege of nominating and having Special Magistrates to act for them as Judges Conservators in those ports and cities of his dominions in which the Tribunals and Courts of Justice are or may be hereafter established. These Judges shall try and decide all causes brought before them by British subjects, in the same manner as formerly, and their authority and determination shall be respected; and the laws, decrees, and customs of Portugal respecting the jurisdiction of the Judge Conservator are declared to be recognised and renewed by the present Treaty. They shall be chosen by the plurality of British subjects residing in or trading at the port or place where the jurisdiction of the Judge Conservator is to be established; and the choice so made shall be transmitted to his Britannic Majesty's Ambassador, or Minister resident at the Court

of Portugal, to be, by him laid before his Royal Highness the Prince Regent of Portugal, in order to obtain his Royal Highness's consent and confirmation, in case of not obtaining which, the parties interested are to proceed to a new election, until the Royal approbation of the Prince Regent be obtained. The removal of the Judge Conservator, in case of neglect of duty or delinquency, is also to be effected by an application to his Royal Highness the Prince Regent of Portugal through the channel of the British Ambassador, or Minister resident at his Royal Highness's Court. In return for this concession in favour of British subjects, his Britannic Majesty engages to cause the most strict and most scrupulous observance and obedience to be paid to those laws by which the persons and property of Portuguese subjects residing within his dominions are secured and protected, and in which they (in common with all other foreigners), enjoy the benefit, through the acknowledged equity of British Jurisprudence, and the singular excellence of the British Constitution. And it is further stipulated, that in case any favour or privilege should be granted by his Britannic Majesty to the subjects of any other State, which may seem to be analogous to, or to resemble the privilege of having Judges Conservators, granted by this article to British subjects residing in the Portuguese dominions, the same favour or privilege shall be considered as also granted to the subjects of Portugal residing within the British dominions, in the same manner as if it were expressly stipulated by the present Treaty.

ART. 11. His Britannic Majesty and his Royal Highness the Prince Regent of Portugal, agree severally to grant the same favours, honours, immunities, privileges, and exemptions from duties and imposts to their respective Ambassadors, Ministers, or accredited Agents at the Courts of each of them; and whatever favour either of the two Sovereigns shall grant in this particular at his own Court, the other sovereign engages to grant the same at his Court.

ART. 12. His Royal Highness the Prince Regent of Portugal declares and engages, in his own name and in that of his heirs and successors, that the subjects of his Britannic Majesty residing within his territories and dominions shall not be disturbed, troubled, persecuted, or annoyed on account of their religion, but that they shall have perfect liberty of conscience therein, and leave to attend and celebrate divine service to the honour of Almighty God, either within their own private houses, or in their own particular churches and chapels, which his Royal Highness does now and for ever graciously grant to them the permission of building and maintaining within his dominions: Provided, however, that the said churches and chapels shall be built in such a manner as externally to resemble private dwelling-houses; and also, that the use of Bells be not permitted therein, for the purpose of publicly announcing the time of divine service: and it is further stipulated, that neither the subjects of Great Britain, nor any other foreigners of a different communion from the religion established in the dominions of Portugal, shall be

persecuted or disquieted for conscience sake, either in their persons or property, so long as they conduct themselves with order, decency, morality, and in a manner conformable to the usages of the country, and to its Constitution in church and state; but if it should be proved, that they preach or declaim publicly against the Catholic religion, or that they endeavour to make proselytes or converts, the parties so offending may, upon manifestation of their delinquency, be sent out of the country in which the offence shall have been committed; and those who behave in public with disrespect or impropriety towards the forms and ceremonies of the established Catholic religion, shall be amenable to the civil police, and may be punished by fine, or by confinement within their own dwelling houses. And if the offence be so flagrant and so enormous as to disturb the public tranquillity, or endanger the safety of the institution of church and state (as established by law), the parties so offending may, on due proof of the fact, be sent out of the dominions of Portugal. Liberty shall also be granted to bury the subjects of his Britannic Majesty who may die in the territories of his Royal Highness the Prince Regent of Portugal, in convenient places to be appointed for that purpose; nor shall the funerals or sepulchres of the dead be disturbed in any wise, nor upon any account. In the same manner the subjects of Portugal shall enjoy within all the dominions of his Britannic Majesty, a perfect and unrestrained liberty of conscience in all matters of religion, agreeably to the system of toleration established therein. They may freely perform the exercises of their religion publicly or privately within their own dwelling-houses, or in the chapels and places of worship appointed for that purpose, without any the smallest hinderance, annoyance, or difficulty whatsoever, either now or hereafter.

ART. 13. It is agreed and covenanted by the high contracting parties, that packets shall be established for the purpose of farthering the public servants of the two Courts, and of facilitating the commercial intercourse of their respective subjects. A Convention shall be concluded forthwith on the basis of that which was signed at Rio de Janeiro, on the 14th day of September, 1808, in order to settle the terms upon which the said packets are to be established, which Convention shall be ratified at the same time with the present Treaty.

ART. 14. It is agreed and covenanted, that persons guilty of high treason, forgery, or other offences of a heinous nature, within the dominions of either of the high contracting parties, shall not be harboured nor receive protection in the dominions of the other. And that neither of the high contracting parties shall knowingly and willingly receive into and entertain in their service persons, subjects of the other power, deserting from the military service thereof, whether by sea or land. And it is further agreed, that in cases of apprentices or sailors deserting from vessels belonging to the subjects of either of the high contracting parties while within the ports of the other party, the Magistrates shall be bound to give effectual assistance for their apprehension, on due application to



that effect being made by the Consul-General, or Consul, or by his Deputy or Representative; and that no public body, civil or religious, shall have the power of protecting such deserters.

ART. 15. All goods, merchandises, and articles whatsoever of the produce, manufacture, industry, or invention of the dominions and subjects of his Britannic Majesty, shall be admitted into all and singular the ports and dominions of his Royal Highness the Prince Regent of Portugal, as well in Europe as in America, Africa, and Asia, whether consigned to British or Portuguese subjects, on paying generally and solely duties to the amount of fifteen per cent. according to the value which shall be set upon them by a tariff or table of valuations, called in the Portuguese language *PAUTA*, the principal basis of which shall be the sworn invoice cost of the aforesaid goods, merchandises, and articles, taking also into consideration (as far as may be just or practicable), the current prices thereof in the country into which they are imported. This tariff or valuation shall be determined and settled by an equal number of British and Portuguese merchants of known integrity and honour, with the assistance on the part of the British merchants of his Britannic Majesty's Consul-General, or Consul, and on the part of the Portuguese merchants with the assistance of the Superintendent, or Administrator-General of the Customs, or of their respective Deputies. And the aforesaid tariff or table of valuations shall be made and promulgated in each of the ports belonging to his Royal Highness the Prince Regent of Portugal, in which there are or may be custom-houses. It shall be concluded, and begin to have effect as soon as possible after the exchange of the ratifications of the present treaty, and certainly within the space of three months reckoned from the date of that exchange. And it shall be revised and altered, if necessary, from time to time, either in the whole or in part, whenever the subjects of his Britannic Majesty, resident within the dominions of his Royal Highness the Prince Regent of Portugal, shall make a requisition to that effect through the medium of his Britannic Majesty's Consul-General, or Consul, or whenever the trading and commercial subjects of Portugal shall make the same requisition on their own part.

ART. 16. But during the interval between the exchange of the ratifications of the present treaty, and the promulgation of the above mentioned tariff, should any goods or merchandises, the produce or manufacture of the dominions of his Britannic Majesty, arrive in the ports of his Royal Highness the Prince Regent of Portugal, it is stipulated, that they shall be admitted for consumption on paying the above mentioned duties of fifteen per cent. according to the value set on them by the tariff now actually established, should they be goods or merchandises which are comprised or valued in that tariff; and if they should not be comprised or valued in that tariff (as if also any British goods or merchandises should hereafter arrive in the ports of the Portuguese dominions without having been specifically valued and rated in the new tariff or *Pauta*, which is to be made in consequence of the stipulations

of the preceding article of the present treaty,) they shall be equally admitted on paying the same duties of fifteen per cent. *ad valorem*, according to the invoices of the said goods and merchandises, which shall be duly presented and sworn to by the parties importing the same. And in case that any suspicion of fraud or unfair practices should arise, the invoices shall be examined, and the real value of the goods or merchandises ascertained by a reference to an equal number of British and Portuguese merchants, of known integrity and honour; and in case of a difference of opinion amongst them, followed by an equality of votes upon the subject, they shall then nominate another merchant, likewise of known integrity and honour, to whom the matter shall be ultimately referred, and whose decision thereon shall be final, and without appeal. And in case the invoice should appear to have been fair and correct, the goods and merchandise specified in it, shall be admitted on paying the duties above mentioned, of fifteen per cent. and the expences, if any, of the examination of the invoice, shall be defrayed by the party who called its fairness and correctness into question. But if the invoice shall be found to be fraudulent and unfair, then the goods and merchandise shall be brought up by the officers of the customs, on the account of the Portuguese government, according to the value specified in the invoice, with an addition of ten per cent. to the sum so paid for them by the officers of the customs, the Portuguese government engaging for the payment of the goods so valued and purchased by the officers of the customs within the space of fifteen days, and the expences, if any, of the examination of the fraudulent invoice shall be paid by the party who presented it as just and fair.

ART. 17. It is agreed and covenanted, that the articles of military and naval stores brought into the ports of his Royal Highness the Prince Regent of Portugal, which the Portuguese government may be desirous of taking for its own use, shall be paid for without delay, at the price appointed by the proprietors, who shall not be compelled to sell such articles on any other terms.

And it is further stipulated, that if the Portuguese government shall take into its own care and custody any cargo, or part of a cargo, with a view to purchase, or otherwise, the said Portuguese government shall be responsible for any damage or injury that such cargo, or part of a cargo may receive, while in the care and custody of the officers of the said Portuguese government.

ART. 18. His Royal Highness the Prince Regent of Portugal is pleased to grant to the subjects of Great Britain the privilege of being assignantes for the duties to be paid in the custom-houses of his Royal Highness's dominions, on the same terms, and on giving the same security as are required from the subjects of Portugal.

And it is on the other hand, stipulated and agreed, that the subjects of the crown of Portugal shall receive, as far as it may be just or legal, the same favour in the custom-houses of Great Britain as is shown to the natural subjects of his Britannic Majesty.

ART. 19. His Britannic Majesty does on his part and in his own name, and in that of his heirs and successors, promise and engage, that all goods, merchandises and articles whatsoever, of the produce, manufacture, industry, or invention of the dominions or subjects of his Royal Highness the Prince Regent of Portugal, shall be received and admitted into all and singular the ports and dominions of his Britannic Majesty, on paying generally and only the same duties that are paid upon similar articles by the subjects of the most favoured nation.

And it is expressly declared, that if any reduction of duties should take place exclusively in favour of British goods and merchandises imported into the dominions of his Royal Highness the Prince Regent of Portugal, an equivalent reduction shall take place on Portuguese goods and merchandises imported into his Britannic Majesty's dominions, and vice versa, the articles upon which such equivalent reduction is to take place being settled by previous concert and agreement between the two high contracting parties.

It is understood, that any such reduction so granted by either party to the other, shall not be granted afterwards (except upon the same terms and for the same compensation) in favour of any other state or nation whatsoever. And this declaration is to be considered as reciprocal on the part of the two high contracting parties.

ART. 20. But as there are some articles of the growth and produce of Brazil, which are excluded from the markets and home consumption of the British dominions, such as sugar, coffee, and other articles similar to the produce of the British colonies, his Britannic Majesty, willing to favour and protect (as much as possible) the commerce of the subjects of his Royal Highness the Prince Regent of Portugal, consents and permits, that the said articles, as well as all other the growth and produce of Brazil, and all other parts of the Portuguese dominions may be received and warehoused in all the ports of his dominions which shall be by law appointed to be warehousing ports for those articles, for the purpose of re-exportation, under due regulation, exempted from the greater duties with which they would be charged were they destined for consumption within the British dominions, and liable only to the reduced duties and expences on warehousing and re-exportation.

ART. 21. In like manner, notwithstanding the general privilege of admission thus granted in the 15th article of the present treaty by his Royal Highness the Prince Regent of Portugal, in favour of all goods and merchandises, the produce and manufacture of the British dominions, his Royal Highness reserves to himself the right of imposing heavy, and even prohibitory duties on all articles known by the name of British East India goods, and West India produce, such as sugar and coffee, which cannot be admitted for consumption in the Portuguese dominions by reason of the same principle of colonial policy which prevents the free admission into the British dominions of corresponding articles of Brazilian produce.

But his Royal Highness the Prince Regent of Portugal consents that all the ports of his dominions, where they are or may be customhouses, shall be free ports for the reception and admission of all articles whatsoever, the produce or manufacture of the British dominions, not destined for the consumption of the place at which they may be received or admitted, but for re-exportation either for other ports of the dominions of Portugal, or for those of other states. And the articles thus received and admitted (subject to due regulations) shall be exempted from the duties with which they would be charged if destined for the consumption of the place at which they may be landed or warehoused, and liable only to the same expences that may be paid by articles of Brazilian produce, received and warehoused for re-exportation in the ports of his Britannic Majesty's dominions.

ART. 22. His Royal Highness the Prince Regent of Portugal, in order to facilitate and encourage the legitimate commerce, not only of the subjects of Great Britain, but also of those of Portugal, with other states adjacent to his own dominions, and with a view also to augment and secure that part of his own revenue which is derived from the collection of warehousing duties upon merchandise, is pleased to declare the port of Saint Catharine's to be a free port, according to the terms mentioned in the preceding article of the present treaty.

ART. 23. His Royal Highness the Prince Regent of Portugal being desirous to place the system of commerce announced by the present treaty, upon the most extensive basis, is pleased to take the opportunity offered by it, of publishing the determination preconceived in his Royal Highness's mind, of rendering Goa a free port, and of permitting the free toleration of all religious sects whatever in that city and its dependencies.

ART. 24. All trade with the Portuguese possessions situated upon the Eastern coast of the continent of Africa (in articles not included in the exclusive contracts possessed by the crown of Portugal) which may have been formerly allowed to the subjects of Great Britain, is confirmed and secured to them now, and for ever, in the same manner as the trade which has hitherto been permitted to Portuguese subjects in the ports and seas of Asia is confirmed and secured to them by virtue of the sixth article of the present treaty.

ART. 25. But in order to give due effect to that system of perfect reciprocity which the two high contracting parties are willing to establish as the basis of their mutual relations, his Britannic Majesty consents to wave the right of creating factories or incorporated bodies of British merchants under any name or description whatsoever, within the dominions of his Royal Highness the Prince Regent of Portugal; provided, however, that this concession in favour of the wishes of his Royal Highness the Prince Regent of Portugal shall not deprive the subjects of his Britannic Majesty, residing within the dominions of Portugal, of the full enjoyment as individuals engaged in commerce, of any of those rights and

privileges which they did or might possess as members of incorporated commercial bodies; and also, that the commerce and trade carried on by British subjects shall not be restricted, annoyed, or otherwise affected by any commercial company whatever, possessing executive privileges and favours within the dominions of Portugal. And his Royal Highness the Prince Regent of Portugal does also engage, that he will not consent nor permit that any other nation or state shall possess factories, or incorporated bodies of merchants, within his dominions, so long as British factories shall not be established therein.

ART. 26. The two high contracting parties agree, that they will forthwith proceed to the revision of all other former treaties subsisting between the two crowns, for the purpose of ascertaining what stipulations contained in them are, in the present state of affairs, proper to be continued or renewed.

It is agreed and declared, that the stipulations contained in former treaties, concerning the admission of the wines of Portugal on the one hand, and the woollen cloths of Great Britain on the other, shall at present remain unaltered. In the same manner it is agreed, that the favours, privileges and immunities granted by either contracting party to the subjects of the other, whether by Treaty, Decree, or Alvara, shall remain unaltered, except the power granted by former treaties, of carrying in the ships of either country, goods and merchandises of any description whatever, the property of the enemies of the other country, which power is now mutually and publicly renounced and abrogated.

ART. 27. The reciprocal liberty of commerce and navigation, declared and announced by the present treaty, shall be considered to extend to all goods and merchandises whatsoever, except those articles the property of the enemies of either power, or contraband of war.

ART. 28. Under the name of contraband or prohibited articles shall be comprehended not only arms, cannon, harquebusses, mortars, petards, bombs, grenades, saucisses, carcasses, carriages for cannon, musket rests, bandoliers, gunpowder, match, saltpetre, balls, pikes, swords, head-pieces, helmets, cuirasses, halberds, javelins, holsters, belts, horses and their harness, but generally all other articles that may have been specified as contraband in any former treaties concluded by Great Britain or by Portugal with other powers. But goods which have not been wrought into the form of warlike instruments, or which cannot become such, shall not be reputed contraband; much less such as have been already wrought and made up for other purposes; all which shall be deemed not contraband, and may be freely carried by the subjects of both sovereigns even to places belonging to an enemy, excepting only such places as are besieged, blockaded, or invested by sea or land.

ART. 29. In case any ships or vessels of war, or merchantmen should be shipwrecked on the coast of either of the high contracting parties, all such parts of the said ships or vessels or of the

furniture and appurtenances thereof, as also of goods and merchandises as shall be saved, or the produce thereof, shall be faithfully restored by the same being claimed by the proprietors or their factors duly authorized, paying only the expences incurred in the preservation thereof, according to the rate of salvage settled on both sides (having at the same time the rights and customs of each nation, the abolition or modification of which shall, however, be treated upon in the cases where they shall be contrary to the stipulations of the present article :) and the high contracting parties will mutually interpose their authority that such of their subjects as shall take advantage of any such misfortune, may be severely punished.

ART. 30. And, for the greater security and liberty of commerce and navigation, it is further agreed, that both his Britannic majesty and his Royal Highness the Prince Regent of Portugal, shall not only refuse to receive any pirates or sea-rovers whatsoever, into any of their havens, ports, cities, or towns, or permit any of their subjects, citizens, or inhabitants, on either part, to receive or protect them in their ports, to harbour them in their houses, or to assist them in any manner whatsoever; but further, that they shall cause all such pirates and sea-rovers, and all persons who shall receive, conceal, or assist them, to be brought to condign punishment, for a terror and example to others. And all their ships, with the goods or merchandises taken by them, and brought into ports belonging to either of the high contracting parties, shall be seized as far as they can be discovered, and shall be restored to the owners, or the factors duly authorized, or deputed by them in writing, proper evidence being first given to prove the property; even in case such effects should have passed into other hands by sale, if it be ascertained that the buyers knew, or might have known that they had been piratically taken.

ART. 31. For the future security of commerce and friendship between the subjects of his Britannic Majesty and his Royal Highness the Prince Regent of Portugal, and to the end that their mutual good understanding may be preserved from all interruption and disturbance, it is concluded and agreed, that if at any time there should arise any disagreement, breach of friendship, or rupture between the crowns of the high contracting parties, which God forbid, (which rupture shall not be deemed to exist until the recalling or sending home of the respective ambassadors and ministers) the subjects of each of the two parties residing in the dominions of the other, shall have the privilege of remaining and continuing their trade therein, without any manner of interruption, so long as they behave peaceably, and commit no offence against the laws and ordinances; and in case their conduct should render them suspected, and the respective governments should be obliged to order them to remove, the term of twelve months shall be allowed them for that purpose, in order that they may retire with their effects and property, whether intrusted to individuals or to the state.

At the same time, it is to be understood, that this favour is not to be extended to those who shall act in any manner contrary to the established laws.

ART. 32. It is agreed and stipulated, by the high contracting parties, that the present treaty shall be unlimited in point of duration; that the obligations and conditions expressed or implied in it shall be perpetual and immutable; and they shall not be changed or affected in any manner in case his Royal Highness the Prince Regent of Portugal, his heirs or successors, should again establish the seat of the Portuguese monarchy, within the European dominions of that crown.

ART. 33. But the two high contracting parties do reserve to themselves the right of jointly examining and revising the several articles of this treaty at the expiration of fifteen years, counted in the first instance from the date of the exchange of the ratification thereof, and of then proposing, discussing, and making such amendments or additions, as the real interests of their respective subjects may seem to require. It being understood, that any stipulation which, at the period of revision of the treaty, shall be objected to by either of the high contracting parties, shall be considered as suspended in its operation until the discussion concerning that stipulation shall be terminated, due notice being previously given to the other contracting party, of the intended suspension of such stipulation, for the purpose of avoiding mutual inconvenience.

ART. 34. The several stipulations and conditions of the present treaty shall begin to have effect from the date of his Britannic Majesty's ratification thereof; and the mutual exchange of ratification shall take place in the city of London, within the space of four months, or sooner if possible, to be computed from the day of the signature of the present treaty.

In witness whereof, we the undersigned plenipotentiaries of his Britannic Majesty, and of his Royal Highness the Prince Regent of Portugal, in virtue of our respective full powers, have signed the present treaty with our hands, and have caused the seals of our arms to be set thereto.

Done in the city of Rio de Janeiro, on the nineteenth day of February, in the year of our Lord one thousand eight hundred and ten.

(L. S.)  
(L. S.)

STRANGFORD.  
CONDE DE LINHARES.

## PAPERS RELATIVE TO THE ANNEXATION OF HOLLAND TO FRANCE.

## THE KING OF HOLLAND TO THE LEGISLATIVE BODY.

“ GENTLEMEN,

“ I charge the ministers to present to your assembly, the resolution which I find myself compelled to take, in consequence of the military occupation of my capital. The brave French soldiers have no other enemies than such as are enemies to the common cause of Holland and myself. They are and ought to be received with all the regard and civility possible; but it is not less true, that in the actual situation of Holland, when an entire army, a crowd of custom-house officers, and when even the national army is taken from under the power of government; when every place, with the exception of the capital, was under the orders of a foreign officer, I thought it right to declare to marshal the duke of Reggio, and the charge d'affaires from the emperor, that if they occupied the capital and its vicinity, I should consider that operation as a manifest violation of the rights of the people, and the most sacred rights among men.

“ It was this which made me refuse custom-house officers entrance into Meudon, Naarden, and Daman. I was right in doing so; because the treaty did not authorize the presence of custom-house officers, but upon the banks of the sea and at the mouth of rivers.

“ On the 16th of June I received, through the charge d'affaires of his majesty the emperor and king, an assurance, that it was not his intention to occupy Amsterdam; that led me to hope, that he would abide strictly by a treaty, the conditions of which were drawn up by his majesty the emperor himself. Unfortunately, my error was not of long duration, as I received a communication, that 20,000 French troops had united in the environs of Utrecht. I continued, notwithstanding the extreme scarcity and embarrassments of our finances, to furnish them with subsistence and other necessary things, although the treaty precisely expressed that there should be 6000 men only maintained at the expence of the kingdom; but I feared that this collecting of troops was done with other views unfavourable to our government; and late in the night, on the 29th, I received official information, that his majesty the emperor insisted upon the occupation of Amsterdam, and the establishment of the French head-quarters in that capital.

“ Under these circumstances, gentlemen, you cannot doubt that I was willing to suffer for my people any humiliations, if I could have preserved the hope of being able to support such a state; and above all, to prevent new evils: but I could not deceive myself any longer. I have signed a treaty dictated by France, under the conviction, that measures the most disagreeable for the nation and for myself would not be followed up; and that, satisfied with my voluntary abdication, which is the consequence of the said treaty,



every thing would go on smoothly between France and Holland. The treaty presents, indeed, a great number of pretences, and of new grievances and accusations; but can pretences be ever wanting? I ought then to have confided in the explanations and communications which have been made to me besides this treaty; and in the formal and circumstantial declarations which I have not failed to do: such as that the custom-house officers would only interfere in the measures relating to the blockade; that the French troops should only remain on the coast; that the domains of the state and those of the crown should be respected; that the debts of the countries which had been ceded would be charged to France; in a word, that from the number of troops which were to be furnished, there should be deducted those which at this moment are at the disposal of France in Spain; and even that for the maritime strength necessary, time should be allowed. I have always flattered myself that the treaty would be fulfilled; I have been mistaken; and if the entire devotion which I have manifested for my duty on the 1st of April, has only tended to drag on and prolong the existence of the country for three months, I have the cruelly grievous satisfaction, yet the only one which now I can have, that I have fulfilled my obligations to the end; that I have (if I am so permitted to speak,) sacrificed to the existence and to the welfare of the country, all that was possible; but, after the submission and the resignation of the 1st of April, 1810, I should be much to blame if I consented to retain the title of king, being no longer but an instrument, no longer commanding, not only in the country, but even in my own capital; and perhaps soon, not even in my palace.

"I should be, nevertheless, a witness of every thing that might be going on, without being able to do any thing for my people, responsible for all occurrences, without the power to prevent them or their influence. I should have exposed myself to the complaints of both sides, and perhaps have occasioned great misfortunes; by doing which, I should have betrayed my conscience, my people, and my duty. I have for a long time foreseen the extremity to which I am now reduced, but I could not have prevented it without sacrificing my most sacred duties, without ceasing to have at heart the interest of my people, and without ceasing to connect my fate with that of the country. Now that Holland is reduced to that condition, I have, as a king of Holland, but one course to take, and that is, to abdicate the throne in favour of my children. Any other course would have only augmented the misfortunes of my reign. I should have perhaps seen often the peaceable inhabitants, victims to contentions of government, destroyed at once. How, then, could an idea of resistance ever enter my mind? My children, born Frenchmen, like myself, would have seen in a just cause, but which they would not have believed solely mine, the blood of their countrymen flow. I had then but one course to take.

"My brother, so violently irritated against me, is not so against my children; and doubtless he will not destroy what he has done, and deprive them of their inheritance, since he has not, nor can

have any subject of complaint against one who will not, for a long time to come, reign himself. His mother, to whom the regency appertains by the constitution, will do every thing that shall be agreeable to the emperor my brother, and will succeed better than myself, who have had the misfortune never to be successful in my endeavours of that kind; and at the conclusion of a maritime peace, perhaps before, my brother, knowing the state of things in this country, the esteem its inhabitants merit, how much their welfare accords with the interests well understood of his empire, will do for this country all it has a right to expect, as the reward of its numerous sacrifices to France, of its fidelity, and the interests with which it cannot fail to inspire all those who judge of it without prejudice. Perhaps I am the only obstacle to the reconciliation of this country with France; and should that be so, I might find some kind of consolation in dragging out the remainder of a wandering and languishing life, at a distance from the first objects of my whole affection, this good people, and my son. These are my principal motives; there are others equally powerful, with respect to which I must be silent, but they will be easily divined. The emperor, my brother, though strongly prejudiced against me, must feel that I could not act otherwise. He is great, and he ought to be just.

"As to you, gentlemen, I should be much more unhappy even than I am, if possible, could I imagine that you would not do justice to my intentions. May the end of my career prove to the nation and to you, that I have never deceived you; that I have had but one aim, the true interest of my country; that the faults I may have committed, are solely to be attributed to my zeal, which caused me to employ not always the best but the most practicable means of overcoming the difficulty of circumstances. I had never proposed to myself to govern a nation so interesting, yet so difficult as your's. Be, gentlemen, my advocates with the nation; inspire it with an attachment to the prince royal, who deserves it, if I may judge from his happy and natural disposition. The queen has the same interest as myself. I cannot, gentlemen, conclude without recommending to you in the most earnest manner, and in the name of the interest and of the existence of so many families, whose lives and property would be infallibly compromised, to receive the French with the attention, with the kindness, and the cordiality which is due to the brave people of the first nation in the universe; to your friends, to your allies, who consider obedience as the first of duties, but which they cannot fail to esteem the more in proportion as they become acquainted with a nation brave, industrious, and worthy of esteem under every consideration. In whatever place I may happen to terminate my days, the name of Holland, and the most lively prayers for its happiness, will be my last words, will be my last thoughts.

"LOUIS NAPOLEON."

"July 1, 1810."

AMSTERDAM, JULY 3.

Louis Napoleon, by the grace of God and the constitution of the kingdom, king of Holland, constable of France.

"To all those who may see, hear, or read these presents, health.

"HOLLANDERS,

"Being convinced that nothing more for your interest or your welfare can be effected by me, but on the contrary, considering myself as an obstacle which may prevent the good will and intentions of my brother towards this country, I have resigned my rank and royal dignity in favour of my eldest son, Napoleon Louis, and his brother, Prince Charles Napoleon.

"Her majesty the queen, being of right, according to the constitution, regent of the kingdom, the regency shall, till her arrival, be vested in the council of ministers.

"Hollanders! never shall I forget so good and virtuous a people as you are. My last thought, as well as my last sigh, shall be for your happiness. On leaving you, I cannot sufficiently recommend you to receive well the military and civil officers of France. This is the only means to gratify his majesty the emperor, on whom your fate, that of your children, and that of your whole country depends. And now, as ill will and calumny can no longer reach me, at least so far as relates to you, I have the well founded hope, that you will at length find a reward for all your sacrifices, and for all your magnanimous firmness.

"Done at Haarlem, July 1, 1810.

"LOUIS NAPOLEON."

"Louis Napoleon, by the grace of God, and the constitution of the kingdom, king of Holland, constable of France;

"Considering that the unfortunate state in which this country is now, arises from the displeasure which the emperor, my brother, has conceived against me;

"Considering that all endeavours and sacrifices on my part, to support the state of things, have been fruitless;

"Considering lastly, that it cannot be doubted, that the course of the present state of things is to be attributed to my having been unfortunate enough to displease my brother, and to have lost his friendship; and that I, therefore, am the only obstacle to the termination of these incessant differences and misunderstandings:

"We have resolved, as we by these letters, published by our own free will, do resolve to resign, as we do from this moment resign, the royal dignity of this kingdom of Holland, in favour of our well beloved son Napoleon Louis, and in failure of him, in favour of his brother Charles Napoleon.

"We further desire, that according to the constitution of the guarantee of his majesty the emperor, our brother, the regency shall remain with her majesty the queen, assisted by a council of regency, which shall provisionally consist of our ministers to whom we commit the custody of our minor king, till the arrival of her majesty the queen.

" We further order, that the different corps of our guard, under the command of Lieutenant General Bruno, and General Bruno, second in command, shall render service to the minor king of this kingdom, and that the great officers of the crown, as well as the civil and military officers of the household, shall continue to render their customary services to the same high personage.

" The present act done and concluded, and signed by our hand, shall be transmitted to the legislative body, and then deposited copies shall be taken, and these letters be published in a legal manner, and in the customary form.

" LOUIS NAPOLEON."

" Haarlem, July 1, 1810."

In the name of his majesty Napoleon Louis, by the grace of God, and the constitution of the kingdom, king of Holland, the provisional council of regency of the king of Holland, to all those who may see, hear, or read these presents, makes known,

" That in consequence of the resignation of the royal dignity and authority made by his majesty Louis Napoleon, in favour of the crown prince, his majesty's eldest son, Napoleon Louis, and of his brother, Prince Charles Louis Napoleon, and by virtue of his majesty's authority contained in the open and sealed letters, published by him on the 1st of July, 1810, the provisional regency has this day constituted itself, under the presidency of the minister Van Der Heim, waiting the arrival of her majesty the queen, as constitutional regent of the kingdom and guardian of the minor king, and in expectation of the measures which her majesty shall be pleased to adopt relative to public affairs. Amsterdam, 3d July, 1810.

" VAN DER HEIM.

" By order of the provisional council of regency.

" A. J. J. H. VERHUEEN.

" First secretary of the cabinet of the king."

AMSTERDAM, JULY 14.

The following proclamation was published here yesterday.

" DUTCHMEN,

" Charged with the provisional government of the kingdom of Holland, we have this day received the order of his majesty the emperor of the French, king of Italy, protector of the confederation of the Rhine, and mediator of the Swiss confederation, to notify to you, that his imperial majesty, having taken into consideration the state of affairs in Europe, the geographical position of Holland, and the pretensions of the common enemy, has, by a decree, issued from the palace of Rambouillet, the 9th of July, 1810, resolved, that the kingdom of Holland should be united with the French empire; which decree is of the following tenor. [See page 83.]

" In communicating to you the decree, we are also charged by his majesty the emperor to inform you, that his majesty finding himself compelled to put an end to the intermediate governments,

which, for sixteen years have harassed this part of the empire, the inhabitants of Holland shall be the objects of his care, and his imperial majesty will rejoice as much in their prosperity as in that of his good city of Paris; whilst the spacious field from Rome to Amsterdam, which is laid open to the industry of the inhabitants, may encourage to look to the period of the extension of their mutual commercial relations in those regions, which their ancestors rendered so renowned, and which have carried to so high a pitch the glory of the Batavian and Dutch name.

"We finally notify to you, that the general government will continue on the present footing, until the arrival of his illustrious highness the prince arch-treasurer of the empire, the Duke of Placentia.

(Signed)

"VAN DER HEIM.

"A. J. J. H. VERHUEN."

"Amsterdam, July 12, 1810."

#### REPORT TO THE EMPEROR.

"PARIS, JULY 9, 1810.

"I have the honour to lay before your majesty an act of the king of Holland, dated the 3d instant, by which the monarch declares, that he abdicates the crown in favour of his eldest son, leaving according to the constitution, the regency to the queen, and establishes a council of regency composed of his ministers.

"Such an act, sire, ought not to have appeared without a previous concert with your majesty. It can have no force without your approbation. Ought your majesty to confirm the disposition taken by the king of Holland.

"The union of Belgium with France has destroyed the independence of Holland. Her system has necessarily become the same with that of France. She is obliged to take part in all the maritime wars of France, as if she were one of her provinces. Since the creation of the arsenal of the Scheldt, and the annexation to France of the provinces composing the mouths of the Rhine and the mouths of the Scheldt, the commercial existence of Holland has become precarious. The merchants of Antwerp, Ghent, and Middleburg, who can, without any restriction, extend their speculations to the extremities of the empire, of which they form a part, necessarily carry on a commerce which Holland transacted. Rotterdam and Dordrecht are already on the verge of ruin; these cities having lost the commerce of the Rhine, which goes direct, by the new frontier to the ports of the Scheldt, passing through Biesboch. The port of Holland, which is still alien to the empire, is deprived of the advantages enjoyed by the part united thereto." Compelled, nevertheless, to make common cause with France, Holland will have to support the charges of this allowance, without reaping any of its benefits.

"Holland is sunk under the weight of her public debt, which amounts to between eighty-five and ninety millions; that is to say,

a fourth more than the debt of the whole empire; and if a reduction had been projected by the government of the country, it would not have been in its power to give a guarantee for the inviolability and permanence of such a measure, inasmuch as the debt, even if reduced to thirty millions, would still be beyond the actual means and ability of that country. It is estimated, Holland pays triple the sum that France pays. The people groan under the weight of twenty-three distinct descriptions of contributions, and can no longer pay them.

“Nevertheless, the necessary expences of government require, that this burden should be augmented. The budget for the marine amounted in 1809, to three millions only of florins, a sum scarcely sufficient to pay the administrators, the officers, and seamen, and to defray the expence of the arsenals, and which has not admitted of the equipment of a single ship of war. To provide for the armament ordered in 1810, and which is the minimum of the naval force necessary for the defence of Holland, triple that sum would be requisite. The war budget has scarcely afforded a sufficiency for maintaining the fortresses and sixteen battalions; and, whilst two branches of such importance are so far from having what is necessary for supporting the honour and dignity of independence, the interest of the public debt has ceased to be paid. It is more than a year and a half in arrear.

“If, in such a state of things, your majesty maintain the recent dispositions, by assigning to Holland a provisional government, you will only be prolonging her painful agony. If the government of a prince in the vigour of life has left the country in so distressed a situation, what can be expected from a long minority. It cannot, therefore, be saved but by a new order of things. The period of the power and prosperity of Holland was, when it formed part of the greatest monarchy then in Europe. Her incorporation with the great empire is the only stable condition in which Holland can henceforth repose from her sufferings and long vicissitudes, and recover her ancient prosperity.

“Thus ought your majesty to decide in favour of such an union, for the interest, nay, more, for the salvation of Holland. She ought to be associated in our blessings, as she has been associated in our calamities. But another interest still more imperiously indicates to your majesty the conduct which you ought to adopt.

“Holland is, in fact, a shoot from the French territory; it constitutes a portion of soil necessary to complete the form of the empire. To become full master of the Rhine, your majesty should advance to the Zuyder Sea. By this means, all the rivers which have their source in France, or which washed the frontiers, will belong to you as far as the sea. To leave the mouths of your rivers in the possession of strangers, would, in fact, Sire, confine your power to an ill-limited monarchy, instead of erecting an Imperial throne. To leave in the power of foreigners, the mouths of the Rhine, the Meuse, and the Scheldt, would be tantamount to submitting your laws to them; it would render your manufactures and commerce

dependent on the powers who should be in possession of those mouths; it would admit a foreign influence in that which is most important to the happiness of your subjects. The annexation of Holland is still necessary to complete the system of the empire, particularly since the British Orders in Council of November, 1807, Twice since that period, your majesty has been obliged to close your custom-houses to the trade of Holland, in consequence of which Holland was isolated from the empire and the continent. After the peace of Vienna, it was in your majesty's contemplation to annex this kingdom. You were induced to abandon this idea, from considerations that no longer exist. You agreed with reluctance to the treaty of the 14th March, which aggravated the calamities of Holland, without meeting any one view of your majesty. The obstacle which prevented it, has now disappeared of itself. Your majesty owes it to your empire to take advantage of a circumstance which so naturally leads to the union. There can be none more favourable for the execution of your projects.

"Your majesty has established at Antwerp a powerful arsenal. The astonished Scheldt swells with pride, to behold twenty vessels of the first rate, bearing your majesty's flag, and protecting its shores that were formerly scarcely visited by some trading vessels. But the great designs of your majesty, in this respect, cannot be fully accomplished, except by the union of Holland. It is necessary to complete so astonishing a creation. Under your majesty's energetic government, the ensuing year will not terminate, before, by calling into action the maritime resources of Holland, a fleet of forty sail of the line, and a great number of troops shall be assembled in the Scheldt and Texel, to dispute with the British government the sovereignty of the sea, and repel its unjust claims.

"So, that it is not the interest of France alone that calls for this union; it is that of continental Europe, who applies to France to repair the losses of her marine, and combat on her own element, the enemy of the prosperity of Europe; whose industry it has not been able to stifle, but whose communications it obstructs by its insolent claims, and the vast number of its ships of war. Finally, the union of Holland augments the empire, in rendering more close the frontiers she defends, and adding to the security of its arsenals and docks. It enriches it by an industrious, thrifty and laborious people, who will add to the stock of public wealth, by increasing their private fortunes. There are no people more estimable or better adapted to derive benefit from the advantages which the liberal policy of your government affords to industry. France could not have made a more valuable acquisition.

"The annexation of Holland to France is the necessary consequence of the union of Belgium. It completes your majesty's empire, as well as the execution of your system of war, politics, and trade. It is the first, but a necessary step towards the restoration of your navy; in fact, it is the heaviest blow which your majesty could inflict upon England.

"As to the young prince, who is so dear to your majesty, he

has already felt the effects of your good will. You have bestowed on him the grand duchy of Berg. He has, therefore, no occasion for any new establishment.

"I have the honour to propose to your majesty the *project* of the following decree.

"I am, &c.

"CHAMPAGNY, Duke of Cadore."

*Extract from the Registers of the Office of Secretary of State.*

Palace of Rambouillet, July 9, 1810.

We, Napoleon, emperor of the French, king of Italy, protector of the confederation of the Rhine, mediator of the Swiss confederation, &c. &c. have decreed and hereby decree as follows.

#### TITLE I.

Article 1. Holland is united to France.

Art. 2. The city of Amsterdam shall be the third city of the empire.

Art. 3. Holland shall have six senators, six deputies to the council of state, twenty-five deputies to the legislative body, and two judges to the court of cassation.

Art. 4. The officers by sea and land, of whatever rank, shall be confirmed in their employments. Commissions shall be delivered to them, signed with our own hand. The royal guard shall be united to our Imperial guard.

#### TITLE II.

##### *Of the Administration for 1810.*

Art. 5. The Duke of Placentia, archtreasurer of the empire, shall repair to Amsterdam, in the capacity of our lieutenant-general. He shall preside in the council of ministers, and attend to the dispatch of business. His functions shall cease on the 1st of January, 1811, the period when the French administration shall commence.

Art. 6. All the public functionaries, of whatever rank, are confirmed in their employment.

#### TITLE III.

##### *Of the Finances.*

Art. 7. The present contributions shall continue to be levied until the 1st of January, 1811, at which period the country shall be eased of that burden, and the imposts put on the same footing as for the rest of the empire.

Art. 8. The budget of receipts and disbursements shall be submitted to our approbation before the 1st of August next.

Only one-third of the present amount of interest upon the public debt shall be carried to the account of expenditure for 1810.

The interest of the debt for 1808 and 1809, not yet paid, shall be reduced to one-third, and charged on the budget of 1810.

Art. 9. The custom-houses on the frontier, other than those of France, shall be organized under the superintendence of our director-general of the custom-houses. The Dutch custom-houses shall be incorporated therewith.



The line of custom-houses, now on the French frontier, shall be kept up until the 1st of January, 1811, when it shall be removed, and the communication of Holland with the empire become free.

Art. 10. The colonial produce, actually in Holland, shall remain in the hands of the owners, upon paying a duty of 50 per cent. *ad valorem*. A declaration of the amount shall be made before the 1st of September, at farthest.

The said merchandise, upon payment of the duties, may be imported into France, and circulated through the whole extent of the empire.

#### TITLE IV.

Art. 11. There shall be at Amsterdam, a special administration, presided over by one of our counsellors of state, which shall have the superintendence of, and the necessary funds, to provide for the repairs of the dykes, polders, and other public works.

#### TITLE V.

Art. 12. In the course of the present month, there shall be nominated, by the legislative body of Holland, a commission of fifteen members, to proceed to Paris, in order to constitute a council, whose business it shall be to regulate definitely, all that relates to the public and local debts, and to conciliate the principles of the union with the localities and interests of the country.

Art. 13. Our ministers are charged with the execution of the present decree.

(Signed)

NAPOLEON.

By the Emperor.

(Signed)

H. B. Duke of BASSANO.

The Minister Secretary of State.

#### CONSERVATIVE SENATE.

*Sitting of the 10th December, 1810.*

After reading the report of the minister of foreign affairs, (heretofore published), and the documents with which it was accompanied, Messieurs the Counts Regnault de Saint Jean d'Angely, and Caffarelli, presented the following projects of *Senatus Consulta*.

#### *Project of an Organic Senatus Consultum.*

Article 1. Holland, the Hanse Towns, the Lauenberg, and the countries situated between the North Sea, and a line drawn from the confluence of the Lippe and the Rhine, to Halteren; from Halteren to the Ems, above Telget; from the Ems to the confluence of the Verra and the Weser, and from Holzenau, upon the Weser, to the Elbe above the confluence of the Heckenitz, shall be an integral part of the French empire.

Art. 2. The said countries shall form ten departments.

[The 3d, 4th, and 5th articles are relative to the number of deputies which these departments shall have in the legislative body, and to their classification in the series; the 6th and 7th articles establish an Imperial court at the Hague, and another at Ham-

burg; the 8th article establishes a senate at the Hague, and another at Hamburg.]

Art. 9. The cities of Amsterdam, Rotterdam, Hamburg, Bremen, and Lubeck are included among the good cities, the mayors of which are present at the emperor's coronation oath.

Art. 10. The junction of the Baltic sea shall be effected by a canal, which, commencing from that of Hamburg to Lubeck, shall communicate from the Elbe to the Weser, from the Weser to the Ems, and from the Ems to the Rhine.

The above senatus consultum was adopted at the extraordinary sitting of the senate on the 13th of December.

*Project of an Organic Senatus Consultum.*

Article 1. The pension of king Louis, in his quality of French prince, is fixed at an annual revenue of two millions, and constituted in the following manner, to wit:

1. The forest of Montmorency, the woods of Chantilly, of Ermenonville, of the Isle of Adam, of Cope, of Pontarme, and of Lys, to the amount of an annual revenue of 500,000 francs.

2. Of the domains existing in the department of the mouths of the Rhine, to the amount of a nett annual revenue of 500,000 francs.

3. An annual sum of one million out of the general funds of the public revenue.

Art. 2. After the decease of the prince, so pensioned, and on account of the disposal made by his imperial and royal majesty of the grand duchy of Berg, in favour of the eldest son of the prince, the pension, with the exception of the part consisting of an annual revenue of one million out of the public treasury, which shall be and remain extinguished, shall pass to the second son of the said prince, and shall be transmissible to the legitimate male descendants, until the extinction of the line, in conformity to what is established by the second section of the 4th title of the act of the constitutions, of the 19th of January, 1810.

Art. 3. The pension constituted by the present senatus consultum shall be subject to all the charges and conditions established by the act of the constitution above cited.

PARIS, DECEMBER 14.

*Papers relative to a negotiation which the Dutch ministry attempted to open with the British government, in February, 1810.*

No. I.

THE KING TO HIS MINISTERS.

GENTLEMEN,

For six weeks that I have been with the emperor, my brother, I have been constantly occupied with the affairs of the kingdom. If I have been able to efface some unfavourable impressions, or, at least, to modify them, I must confess that I have not succeeded in conciliating in his mind the existence and independence of the kingdom with the success of the continental system, and in parti-

cular of France against England. I am assured, that France is firmly decided to annex Holland, notwithstanding all considerations, and that she is convinced that the independence of the latter cannot be prolonged if the maritime war continues. In this cruel certainty, there remains to us only one hope, that is, that a maritime peace may be negotiated: that alone can avert the imminent danger which threatens us; and without the success of those negotiations, it is certain, that the independence of Holland is at an end; that no sacrifice can prevent her fate. Thus, it is the evident and declared intention of France to sacrifice every thing to acquire Holland, and thereby augment, whatever it may cost her, the means of opposing England. Doubtless England would have every thing to fear from such an augmentation of coast and navy to France. It is then possible, that their interest may induce the English to avert a blow which would be to them so disastrous.

I leave to you the care of developing this idea with all the energy which will be necessary to make the English government fully sensible of the importance of the step which remains for it to take. Represent to it in the strongest manner all the arguments and all considerations which shall occur to you. Make the overture in question, as from yourselves, without mentioning me in any manner. But there is no time to lose. Send immediately some safe and discreet person to England, and send him to me as soon as he shall return. Let me know at what time that will probably be; for we have no time to lose; we have but a few days. Two corps of the grand army are marching towards the kingdom; marshal Oudinot has just set out to take the command of them. Let me know what you shall have done in consequence of this letter, and on what day I may have the reply of England.

#### No. II.

##### *Instructions given by the Dutch ministry to M. Labouchere.*

The object of the commission with which, at the request of the undersigned, M. Pierre-Cesar Labouchere is charged, is to apprise the government of England, that in consequence of information received by the Dutch ministry, and which has every appearance of authenticity, the destiny of Holland, that is to say, the maintenance or the loss of her political existence, depends upon the disposition which may exist on the part of the English government to conclude a speedy peace with France, or at least to make a real change in the measures, adopted by the said government, in relation to the commerce and navigation of neutrals.

The said Sieur Labouchere is consequently to repair with all possible dispatch to London, where, in the manner and by the means which he shall find most suitable, he will endeavour to bring the above mentioned state of things to the knowledge of the English ministry and of every other person who can contribute to the attainment of the object proposed; and he shall be permitted, in case of need, to make known that he fills this mission with the consent of the Dutch government, which, in consequence of the

authenticity of the above mentioned information, stating, that without the change referred to, in the system of England, the loss of the independence of Holland is absolutely inevitable, was of opinion that it ought to disregard all considerations and difficulties, in order to attempt every thing which may serve to maintain the political existence of the country.

He will further endeavour to make the English government perceive how important it is to England that Holland should not fall under the sovereign dominion of the French empire, and that she should always remain an independent power. He will employ, to prove this assertion, all the arguments which the matter itself will furnish him with, and which are known to him.

If he finds the English government convinced, or succeeds in convincing it of this truth, he will endeavour to engage it to contribute to the maintenance of the political existence of this country, by acceding promptly to the commencement of negotiations for a general peace, or at least in case such negotiations cannot be speedily commenced and concluded; by giving satisfactory assurances of her intentions to make some changes in the system adopted by the English orders in council, of the month of November, 1807, and in the measures which have been the consequence of them.

He is above all to lay stress upon the latter object, in order, he will say, to oppose the eagerness of France to occupy Holland.— He will add, that in case a relaxation, or a change of the above mentioned system should be adopted, it may be hoped, that besides the non-occupation of Holland, the war, while it should continue, would take a new turn, and one less disastrous than for the last three years, and that there would result from it a greater probability of an accommodation, inasmuch as there would then be no motive for the emperor of the French to continue the Berlin and Milan decrees, which his imperial majesty made solely in consequence of the orders of the English council in November, 1807.

If, however, the English government, after having listened to these intimations, makes a difficulty of explaining itself on the subject definitely, before being positively informed of the intentions of the French government: he is to require of the English government to declare, whether it chooses that its resolution to accede to negotiations for peace, or at least a change in the above mentioned orders of November, 1807, is to depend on the above intimations, and also, in particular, on the evacuation of Holland by the French troops, and on the re-establishment of every thing in the state in which it was before the last invasion of Zealand by the English, adding such other conditions, upon which the said government may conceive it ought to insist, before acceding to the measure proposed, in order, that thus sure pledges may be had before making known to it the intentions of the French government.

Whatever may be the answer of the English government to his representations, provided that it do not exclude every hope of attaining the proposed object, and that circumstances permit, he will prolong provisionally his stay in London, and, in the mean time, he

will send to the undersigned, as speedily as possible, and by the safest way, a particular account of all his proceedings, of the answers that shall be made to him, and of every thing relating to his mission.

However, if after receiving a reply to the overtures made by him he shall find it necessary for the success of the affair, to be himself the bearer of that reply to his majesty the king of Holland, he shall be at liberty to do so; but in that case, though his majesty may still be at Paris, he shall make his voyage to Holland, and shall by no means proceed from England directly to France.

In conclusion, it is particularly recommended to him to observe the most profound silence respecting the whole affair, as well as the greatest prudence and discretion in the execution of the commission confided to him.

Amsterdam, 1st of February, 1810.

(Signed)

VANDER HEIM,  
J. H. MOLLERUS.

*Translation of a Note of verbal Communication from the Marquis Wellesley to M. Labouchere, 12th February, 1810.*

The unhappy situation of Holland has long since given birth in this country to sentiments of interest and compassion, and those sentiments naturally increase at every addition to the calamities to which Holland is a prey; but Holland cannot expect that this country should sacrifice its own interest and honours.

The nature of the communication which has been received from M. Labouchere, scarcely permits the smallest observation to be made respecting a general peace, it does not even furnish a motive for repeating the sentiments which the English government has so often declared on that subject. It may nevertheless be remarked that the French government has not manifested the least symptoms of a disposition to make peace, or in any manner to depart from pretensions which have hitherto rendered unavailing the willingness of the English government to terminate the war.

The same observation may be applied to the conduct of the French government in the war which it is making against commerce; a war in which it was the aggressor, and which it carries on with an obstinacy which does not relax for a moment. It is without reason that in the note delivered by M. Labouchere, it is said that the English orders in council occasioned the French decrees against neutral navigation and commerce; the orders in council were not the cause, but the consequence of the French decrees. The French decrees are still in force, no measure has been taken for their repeal. It is by no means reasonable to expect that we should in any manner relax from the measures of self-defence which our safety requires, and which can shelter us from the attacks of the enemy, because he himself suffers in consequence of the measures which he has taken, and yet testifies no disposition to relax in them.

[No signature.]

## No. III.

*Account given by M. Labouchere.*

LONDON, 12th FEBRUARY 1810.

The undersigned having received from their excellencies the ministers, orders to repair immediately to England with written instructions, for the purpose of communicating to the English government the situation of Holland; and of intimating to it the methods which appeared most likely to avert the fate which threatened the country, instantly proceeded to the Briel. He arrived there on the 2d of February, departed from thence on the 3d, landed at Yarmouth in the evening of the 5th, immediately set out for London, and arrived there on the evening of the 8th. On the morning of the 7th, he requested an audience of the Marquis Wellesley, minister of foreign affairs, which was granted to him on the same day, at half past five o'clock. After having communicated to his excellency the tenor of his instructions, and thoroughly discussed the principal question, he left the minister, having received a promise that he would lay the communications before the council, and would acquaint him with the result.

Not having received any intimation from his excellency until the 11th, the undersigned addressed a few lines to the minister, requesting him to enable the undersigned to give some account or indication of the ideas and disposition of the English government, by a conveyance which then offered. In consequence, he received, at twelve, an invitation for the same day, at nine in the evening, at which hour he went, and received an unofficial communication without signature, of which a copy is annexed.

In this new conference, the conversation turned upon the degree of probability which might exist in any case, that these first steps, whatever might be the conduct of the British ministry, would be followed by pacific sentiments on the part of France; and especially on the inconvenience which would arise to England from admitting the principle, that having once taken measures of reprisals, as the minister denominates them; those measures must of necessity cease with the causes which produce them.

It appeared that the English ministry attaches infinite weight and importance to these same orders in council, which form the immediate object of the overture of the government of Holland, and that, whether France concur in that overture or not, the ministry is convinced, that there is no means more efficacious in weakening the resources of France.—In fact those measures appear to form the fundamental basis of the system upon which the present ministry founds all its principles and every part of its conduct, and it would appear that, so long as the war shall continue, it is only from a change of ministry that we may expect other measures and other views.

The minister then stated, that while, on the one hand, it was extremely uncertain whether any declaration or even concession on

their part would be productive of changes for the better ; on the other, it would be always impossible to rely upon their stability, and that, in all cases, any step which should appear incompatible with the honour and dignity of the English nation, would be totally out of the question, even though it might appear reconcileable to its interest.

✱ The undersigned endeavoured to convince the minister, that in this particular case, the true interest and the permanent prosperity of all commercial states, imperiously demanded, that they should not look with indifference at the critical situation of Holland, but co-operate, on the contrary, to avert the storm. He even confined himself to requesting a conditional declaration only ; but what he herewith transmits, was all that he could obtain. His general observation and the information which he has been able to collect, lead to the following conclusions :

That the principal question of peace or war occupies but imperfectly the public mind ; that habit reconciles it to the continuance of the war, and that the consequences, far from being felt at present, are rather favourable to the interest of individuals ;

That the system of commercial restrictions is inherent in the present ministry, and for the same reason, is the object of the criticism of opposition ; that it is then probable, that for the moment, they will continue to act, more or less in conformity to that system as well towards America as towards all other powers :

That the English ministry considers a firm adherence to that system, as the best means of seriously affecting the resources of France, and of combating her system of influence upon the continent, and that all attempts on the part of nations in hostility to the English government, to bring it back to other ideas, will probably produce only a contrary effect :

✱ That notwithstanding, there ought not to be inferred a fixed determination to repulse every proposition for peace : for it even imagines that system to be the method of bringing France more speedily to seriously set about effecting an accommodation ; besides, if there was such a determination, it would show itself under a variety of shapes ; its conduct in the present occasion is founded on the conviction, that at this time, the French government has no serious views of peace that can coincide with the principles avowed by the English government, and that it is solely occupied in executing its arrangements with respect to Spain and Portugal, which arrangements will always be the most serious obstacles to the success of any negotiations that may be commenced.

That among the considerations by which the English ministry is influenced at the present time, those which relate to Holland, are viewed as extremely secondary, and that the idea of the impossibility that any convention relative to that country can ever, under the influence of France, present any chance of certainty to England, unless connected with a general question, takes away all the interest which otherwise that country of itself would not fail to inspire ; so much so as to induce the ministry to refuse to listen to

reasons extremely important, which ought to incline them to consider that question separately, and under an immediate point of view.

The undersigned perceiving in this state of things, no chance of success in the ulterior steps, which the government of Holland might be tempted to try, unless those steps be specially supported by France, and that thus as to that country, her fate is wholly connected with the question of a general peace, he is of opinion, in conformity to the tenor of his instructions, that he ought not uselessly to prolong his stay in this country.

Consequently, he proposes to return in a few days; and on his arrival he will have the honour to present himself to their excellencies, the ministers, for the purpose of giving them verbally a further and particular account of every thing relating to the mission with which they have charged him, and which he has endeavoured to fulfil with all the zeal and solicitude with which the importance of the subject could not fail to inspire him. In the mean time, he prays their excellencies to accept the assurance of his respect.

(Signed)

LABOUCHERE.

PAPERS IN RELATION TO THE REPEAL OF THE BERLIN AND MILAN DECREES.

Department of State, December 28, 1810.

SIR,

IN pursuance of the resolution of the house of representatives of the 21st of this month, I have the honour of laying before you:

1st. A copy (marked A.) of a decree of the emperor of France transmitted to this department by General Armstrong.

2d. A copy (marked B.) of a correspondence with General Turreau.

3d. A copy (marked C.) of a communication just received from General Armstrong, in relation to the duties lately imposed by the emperor of France. With the highest respect and consideration, I have the honour to remain, Sir, your most obedient servant,

R. SMITH.

The President of the United states.

(A.)

*Translation of a Decree of the 15 (9) July, 1810.*

Thirty or forty American vessels may import into France (under license) cotton, fish oil, dye wood, salt fish, cod fish, hides and peltry. They may export wine, brandy, silks, linens, cloths, jewelry, household furniture and other manufactured articles. They can only depart from Charleston and new York, under the obligation of bringing with them a gazette of the day of their departure,



(American gazette) moreover a certificate of the origin of the merchandise, given by the French consul, containing a sentence in cipher: the French merchants who shall cause these vessels to come must prove that they are concerned in the fabrics at Paris, Rouen, and other towns.

(B.)

*General Turreau to Mr. Smith.*

(TRANSLATION.)

Washington, Nov. 27, 1810.

SIR,

Since our last conversation relative to the certificates of origin given by the consuls of his majesty in the United States, I have collected and read over the different orders of my court on that subject, and asked of the consul-general of France those which he might have received directly on this part of the service, so essential for the security of your exportations.

It results from the instructions which I have received directly, and from those that have been sent to the consul-general, that the consuls of his majesty in the United States, do not deliver, nor must not hereafter deliver, under any pretext, any certificate of origin to American vessels destined for any port other than those of France: that they deliver them and will deliver them hereafter to all American vessels destined for the ports of France, loaded only with the produce of the United States: that all the certificates anterior to the last instructions attributed to the consuls of his majesty, and which it is pretended were given for colonial produce, that evidently came from England, have been challenged as false (*argues de faux*) in as much as the English publicly fabricate papers of this sort at London.

This, Sir, is all that it is possible for me to say to you at present respecting certificates of origin.

I cannot doubt but that the government of the United States will be in these regulations of my court an intention, distinctly pronounced, of favouring the commercial relations between France and the United States in all the objects of traffic which shall evidently proceed from their agriculture or manufactures.

You will readily perceive, Sir, that in giving this latitude to the mutually advantageous relations of the two friendly people, the Emperor cannot depart from the system of exclusion against English commerce without losing the advantages which his majesty and the allied powers must necessarily expect from it. I have the honour to be, with high consideration, &c.

(Signed)

TURREAU.

Hon. Robert Smith, Secretary of State.

*The Secretary of State to General Turreau.*

Department of State, November 28, 1810.

SIR,

I have had the honour of receiving your letter of yesterday, stating that the French consuls in the United States, are at this time authorized to deliver certificates of origin only to such American vessels as are bound to some port of France, and as are laden with the produce of the United States.

It will afford satisfaction to our merchants to know, and therefore I have to request you to inform me, whether in American vessels having such certificates of origin, they can export to France every kind of produce of the United States, and especially cotton and tobacco.

In addition to the intelligence communicated in your letter in relation to the certificates of origin, I have the honour of asking from you information upon the following questions:

1st. Have not the French consuls been in the practice, under the authority of the French government, of delivering in the ports of the United States certificates of origin for American vessels, bound to the ports of France, and of her allies, and laden with either colonial produce, or the produce of the United States?

2d. Have the French consuls in the United States, lately received from the French government instructions not to deliver such certificates of origin for American vessels, and at what time did they receive such instructions?

3d. At what time did the French consuls cease to issue certificates of origin to American vessels, in pursuance of instructions from their government, in cases of destination to ports of the allies of France?

These facts being connected with questions interesting to our merchants in foreign tribunals, your goodness will pardon the resort to your aid in ascertaining them. I have the honour to be, &c.

(Signed)

R. SMITH.

General Turreau, &amp;c. &amp;c. &amp;c.

*General Turreau to Mr. Smith.*

(TRANSLATION.)

Washington, December 12, 1810.

SIR,

I have not replied sooner to the letter which you did me the honour to write to me on the 28th of last month, it is because I have sought information from the consul-general of his majesty, whether he had not received directly instructions more recent than those which I had transmitted to him, and also to enable me to give a positive answer to the questions contained in the letter referred to above.

I reply, sir, to the first of your questions—that M. M. the

consuls of his majesty to the United States, have always delivered certificates of origin to American vessels for the ports of France: they did it in execution of a decree of his majesty of the 1st of Messidor, of the year eleven.

M. M. the French consuls have also delivered them to vessels destined for neutral or allied ports, whenever they have been required of them. This measure was sanctioned and authorized by a circular dispatch of his excellency the minister of foreign relations, under date of the 20th of April, 1808. This dispatch prescribes the formalities to be gone through for the certificates delivered in such cases.

I proceed now, sir, to reply to the second of your questions.

By a dispatch of his excellency the Duke of Cadore, of the 30th of August last, received by the "Hornet" the 13th of last month, and of which information was given the same day to the consuls and vice-consuls of his majesty, they are expressly prohibited from delivering certificates of origin for merchandise of any kind or under any pretext whatever, if the vessels are not destined for France.

This reply to your second question, sir, furnishes you with a solution of the third. The consuls and vice-consuls of his majesty will have ceased to deliver certificates of origin to vessels for any other place than France, immediately on the receipt of this circular, which will reach them a few days sooner or later, according to the greater or less distance of the places of their residence.

Concerning cotton and tobacco, their importation into France is, at this moment, specially prohibited; but I have reason to believe (and I pray you, meanwhile, to observe, sir, that they do not rest upon any facts) that some modifications will be given to this absolute exclusion. These modifications will not depend upon the chance of events; but will be the result of other measures, firm and pursued with perseverance, which the two governments will continue to adopt to withdraw from the monopoly and from the vexations of the common enemy a commerce, loyal (*loyal*) and necessary to France as well as to the United States. Accept, sir, the renewed assurance of my high consideration.

(Signed)

TURREAU.

*The Secretary of State to General Turreau.*

Department of State, December 18, 1810.

SIR,

I have had the honour of receiving your letter of the 12th instant, in reply to my inquiries in relation to certificates of origin, as well as to the admission into France of the products of the agriculture of the United States.

From our letter it appears, that the importation into France of cotton and tobacco, the produce of the United States, is, at this time, especially and absolutely prohibited.

From the decree of the 15th July, it moreover appears, that there can be no importation into France, but upon terms and conditions

utterly inadmissible, and that, therefore, there can be no importation at all of the following articles, the produce of the United States, namely: fish oil, dye wood, salt fish, cod fish, hides and peltry.

As these enumerated articles constitute the great mass of the exports from the United States to France, the mind is naturally awakened to a survey of the actual condition of the commercial relations between the two countries; and to the consideration that no practical good, worthy of notice, has resulted to the United States from the revocation of the Berlin and Milan decrees, combined, as it unexpectedly has been, with a change in the commercial system of France, so momentous to the United States.

The act of congress of May last had for its object, not merely the recognition of a speculative legitimate principle, but the enjoyment of a substantial benefit. The overture therein presented, obviously embraced the idea of commercial advantage. It included the reasonable belief, that an abrogation of the Berlin and Milan decrees would leave the ports of France as free for the introduction of the *produce of the United States*, as they were previously to the promulgation of those decrees.

The restrictions of the Berlin and Milan decrees had the effect of restraining the American merchants from sending their vessels to France. The interdictions in the system that has been substituted, against the admission of American products, will have the effect of imposing upon them an equal restraint. If, then, for the revoked decrees, municipal laws, producing the same commercial effect, have been substituted, the mode only, and not the measure, has undergone an alteration. And however true it may be, that the change is lawful in form, it is, nevertheless as true, that it is essentially unfriendly, and that it does not at all comport with the ideas inspired by your letter of the 27th ult. in which you were pleased to declare the "distinctly pronounced intention of his imperial majesty, of favouring the commercial relations between France and the United States in all the objects of traffic, which shall evidently proceed from their agriculture or manufactures."

If France, by her own acts, has blocked up her ports against the introduction of the products of the United States, what motive has this government, in a discussion with a third power, to insist on the privilege of going to France? Whence the inducement to urge the annulment of a blockade of France, when, if annulled, no American cargoes could obtain a market in any of her ports? In such a state of things, a blockade of the coast of France would be to the United States as unimportant, as would be a blockade of the coast of the Caspian sea.

The British edicts may be viewed as having a double relation; first, to the wrong done to the United States; second, to the wrong done to France. And it is in the latter relation only, that France has a right to speak. But what wrong, it may be asked, can France suffer from British orders which co-operate with her own regulations?

However sensible, the United States may be to the violation of their neutral rights under those edicts, yet, if France herself has by her own acts rendered it a theoretical instead of a practical violation, it is for this government to decide on the degree in which sacrifices of any sort may be required by considerations which peculiarly and exclusively relate to the United States. Certain it is, that the inducements to such sacrifices are weakened, as far as France can weaken them, by having converted the right to be maintained, into a naked one, whilst the sacrifices to be made would be substantial and extensive.

A hope, however, is indulged, that your *instructions* from your government will soon enable you to give some satisfactory explanations of the measures to which reference has been made, and that their operation in virtue of modifications, which have not yet transpired, will not be as has been herein represented.

The president has received with great satisfaction the information, that the consuls of France have been heretofore in the official and authorized practice of furnishing certificates of origin to American vessels, as well as to those destined to neutral ports, as to those whose sovereigns are in alliance with France; and that this practice, sanctioned by the French government, did not cease in any part of the United States before the 13th of last month, and then only in consequence of a dispatch from the Duke of Cadore, bearing date the 30th of August preceding. This satisfaction arises from the hope, that similar information may have been given to the Danish government, and from a sense of the happy influence which such a communication will have had on the American property, that had been seized and detained by the privateers of Denmark, upon the supposition that these certificates of origin were spurious and not authorized by the French government. It is, nevertheless, to be regretted that the functionaries of France in Denmark had not made known to the Danish authorities, during the occurrence of such outrages on the American trade, the error of denouncing, as illegitimate, authentic documents, which had been lawfully issued by the accredited agents of his imperial majesty.

I have the honour to be, &c.

(Signed)

R. SMITH.

General Turreau, &c. &c. &c.

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*Translation of a Letter from General Turreau, Minister Plenipotentiary of his Imperial and Royal Majesty the Emperor of the French, &c. &c. to Mr. Smith, Secretary of State.*

Washington, December 25, 1810.

SIR,

I have received the letter you have done me the honour to write to me on the 16th of this month, and I hasten to transmit a copy of it to his excellency the Duke de Cadore.

This dispatch, sir, being an answer to the letters which I had the honour to write to you on the 27th of November and 12th of

this month, naturally takes me back to their object, to which I believe it is my duty again to call your attention.

I pray you to observe that the last instructions I have received from my court relative to the new directions the commerce of France with the United States must follow, are of a very old date: the official dispatches from which I have taken them are of the 12th and 28th of April last. It is the more probable that the regulations of my government, in regard to this commerce, have undergone some modifications, as the consul-general received by the "*Hornet*," dispatches of the 10th July, 22d and 30th of August last, in which it is specially stated, that cottons may be imported into France in American vessels, and under certain regulations; whereas, according to the instructions which were addressed to me on the 12th and 28th of April preceding, cotton and tobacco are specially prohibited.

I will add to these data, (*ces données*) that, according to the orders transmitted to the consuls of his majesty respecting certificates of origin, and under the date before cited (30th August last) they may deliver them to all American vessels destined for France; observing, that these certificates are not applicable *but to the produce of the United States*. If these certificates of origin cannot be applied but to the productions of the United States, and cannot be given to any vessels but those destined for France, the introduction of these productions is not then prohibited there.

You will be pleased especially to observe, sir, that the dispositions which were announced to me by the dispatches of the 12th and 28th of April, are of course, anterior to the repeal of the decrees of Berlin and Milan, and are necessarily without an object the moment the said decrees are no longer in force. I do not know of any subsequent acts which modify this repeal, for the instructions already cited, sent to the consul-general the 30th of August last, relative to the certificates of origin, are only a consequence of it, and formally exclude only colonial productions.

Furthermore, sir, I have before me the letters of the Duke of Cadore to General Armstrong, under date of the 5th of August and 12th of September, of which copies have been sent to me by order of my court. These are the only documents on which it seems to me reasonable to fix the attention (*s'arreter*) and I see in them nothing which can cause it to be supposed that the French government may have had an intention to modify or to restrict the repeal of the before cited decrees. This act contains no reserve: it does not exact any guarantee. The declaration of the Duke of Cadore is formal; and it is the provisions themselves of the act of the honourable congress of the 1st of May last, which have dictated to him the consequence.

I seize this occasion with eagerness, sir, to renew to you the assurance of my high consideration.

(Signed)

TURREAU.

(C.)

General Armstrong to Mr. Smith.

Washington, December 27, 1810.

SIR,

The enclosed documents, marked 1 and 2, were intended to have made part of my last communication. The paper intitled *Avis au commerce*, (Notice to Merchants,) contains a tariff of the new duties payable in France, and shows, besides, what are the articles of commerce admissible there. If this paper has no other value, it will be found important from the illustration it gives to that passage of the Duke of Cadore's letter to me of the 12th of Sept. last, in which he says, that *American vessels loaded with merchandise, the growth of the American States, will be received without difficulty into the ports of France.* It is also in perfect concert with the practice of the French custom-house, in the case of the ship *Ida*, coming from Boston with a cargo of cotton. I am, sir, with very high consideration, your most obedient and very humble servant,

(Signed)

JOHN ARMSTRONG.

Hon. Robert Smith, Secretary of State.

*Notice to Merchants, on the Sale of the 1st of August, 1810.*

DESIGNATION.	TARES.	CUSTOM HOUSE DUTY.
Oars		2 francs the hundred.
Cotton of Brazil, Surinam, Cayenne, Demerara, and Georgia, long-staple	6 per cent.	500 francs the 100 killogrammes.
Cotton of every other country except Naples	6 per cent.	100 francs the 100 kill.
Logwood		50 francs the 100 kill.
Cocoa	4 per cent.	1000 francs the 100 kill.
Coffee in bags	3 per cent.	
casks	12 per cent.	400 francs the 100 kill.
Cigars in boxes	1 per cent.	400 f. the 100 kill. and 30 on the meat
Cloves in bags	per cent.	600 francs the 100 kill.
Gum Arabic in bags	2 per cent.	4 francs 5 centimes the 100 kill
Fish Oil in casks	15 per cent.	25 francs the 100 kill.
Beans in hhd.	12 per cent.	100 centimes the 100 kill.
Indigo in seroons	6 per cent.	
casks and casks	12 per cent.	500 francs the 100 kill.
Potash in casks	12 per cent.	15 centimes per 100 francs.
Black Pepper in bags	3 per cent.	400 francs the 100 kill.
Oak Plank		15 centimes per cent. <i>ad valorem</i> .
Peruvian Bark in boxes	12 per cent.	
in seroons	2 per cent.	200 francs the 100 kill.
Rice in barrels	12 per cent.	10 francs the 100 kill.
Rum ( <i>auditory</i> )		50 centimes <i>le litre</i> .
Rocou in casks	12 per cent.	12 francs the 100 kill.
Clayed Sugar, in boxes and casks	12 per cent.	400 francs the 100 kill.
Raw Sugar in boxes and barrels	15 per cent.	400 francs the 100 kill.
Tobacco in leaf, box, or hhd.	12 per cent.	400 francs the 100 kill.
in sacs ou paniers	2 per cent.	400 f. the 100 kill. and 30 f. on manf.

*Note.* The additional tenth is not comprised in the above duties.

\*. The document, of which the above is a translation, is in print, and under the words "Custom-house duties," (*Droits de Douane*,") app in manuscript the following words, viz. by decree of the 8th of August, 1810.

*Copy of a Letter from Jonathan Russell, Esq. Charge d'Affaires of the United States at Paris, to Mr. Smith, Secretary of State, dated*

Paris, December 11, 1810.

SIR,

On the evening of the 9th instant, I learnt that the Essex frigate had arrived at L'Orient on the 4th, and had been put under quarantine for five days for want of a bill of health, during which time the messenger is not allowed to come on shore. At the same time that I received this intelligence, I was also informed that the brig, New Orleans Packet, was seized at Bordeaux, under the Berlin and Milan decrees, by the director of the customs at that place. *The simultaneous occurrence of these two events, formed, in my opinion, a crisis which required a prompt decision of this government.* Under this impression I immediately addressed to the Duke of Cadore, the note of which the enclosed is a copy, and in which I thought it politic to remonstrate with firmness against the proceedings of the director of the customs at Bordeaux, and to leave the government here at liberty to disavow them. This disavowal, however, I am persuaded depends entirely on the nature of the dispatches brought by the Essex. I feel, therefore, the most lively anxiety to receive them. In the mean time I give this letter a chance of reaching you by a vessel about leaving Bordeaux for New York.

Since my last, the Hanseatic towns have been annexed to this empire.

I have informed Mr. Pinkney of the arrival of the Essex, and suggested to him the possibility that the proclamation of the president had come out by her, in order that he might, if he thought proper, make a final attempt to obtain a repeal of the orders in council while it was yet in the power of the British ministry to do it with a good grace. I have the honour to be, &c.

(Signed)

JONAS. RUSSELL.

Hon. R. Smith, Secretary of State, U. States.

*Mr. Russell to the Duke de Cadore.*

Paris, December 10, 1810.

SIR,

I have this moment learnt that the American brig, New Orleans Packet, lately arrived at Bordeaux, has, with her cargo, the *bona fide* property of citizens of the United States, and laden at the port of New York, been seized by the director of the customs, under the Berlin and Milan decrees. I have also been informed, that this director of the customs, not satisfied with this hardy violation of the solemn assurances given by your excellency to General Armstrong, on the 5th of August last, and confirmed by your letter to him of the 7th of September, that these decrees were revoked and would cease to operate from the 1st of November, has, without



regard to the plighted faith of his government, announced his intention of selling the provisions which constitute a part of the cargo, under the pretext that they are perishable.

The clear and unequivocal manner in which the revocation of the Berlin and Milan decrees were announced by your excellency, forbid me for a moment to suppose, that the violent proceedings of this man will be sanctioned by his majesty the emperor and king, or that the least delay will be allowed in placing the property thus arrested at the free disposition of the rightful owner, whose confidence alone in the good faith with which it becomes nations to perform their engagements, has brought him to the place where he is so inhospitably treated.

I am persuaded that your excellency will not, on this occasion, attempt to remind me of the conditions on which the revocation of those decrees were predicated. These conditions were in the alternative, and the performance of either is sufficient to render absolute and perpetual that revocation. It is of no importance that the British orders in council, have not been withdrawn, if the United States, in due time, perform the condition which depends alone on them. And what is this condition? why, to execute an act of congress against the English, which to be thus executed, requires the previous revocation of these very decrees. The letter of your excellency, of the 5th of August, appears to have been written with a full knowledge of this requisition of the law, and manifestly with the intention to comply with it, in order that it might be competent for the president of the United States to exercise the contingent power which had been given to him.

It will not be pretended, that the decrees have in fact been revoked; but that the delay of the United States in performing the condition presented to them authorizes their revival. The case of the New Orleans Packet is the first which has occurred since the 1st of November, to which the Berlin and Milan decrees could be applied, and if they be applied to this case, it will be difficult for France to show one solitary instance of their having been practically revoked. As to delay on the part of the United States, there has been none. No official information of the letter of your excellency of the 5th of August, left France for the United States, owing to circumstances which it was not in the power of General Armstrong to control, until the 29th of September, and to this moment I have not learnt that such official information has been there received. I might indeed have learnt it, and been able now to have communicated to your excellency, the measures on which the president has decided in consequence of it, had not the frigate, the Essex, dispatched by him, been put under quarantine on her arrival at L'Orient, for the want of a bill of health, and the messenger thereby detained since the 4th of this month.

I will not undertake to decide whether a bill of health ought, in courtesy, to be exacted of a frigate of a friendly power, coming in the winter season from a place not known to have been lately afflicted with any malignant disease; but surely the delay which this ex-

action occasions, cannot be imputed to a want of due diligence on the part of the American government.

It is from this view of the subject that I am thoroughly convinced, that the application of the Berlin or Milan decree, by the director of the customs at Bordeaux, to the New Orleans Packet, will not be approved by his majesty, but that prompt and efficient measures will be taken to correct a procedure, which, if persisted in, might produce a state of things which it is the obvious interest of both nations to avoid. I pray your excellency to be assured of my most distinguished consideration, &c.

(Signed)

JONATHAN RUSSELL.

*Copy of a Letter from Chr. Meyer to Mr. Smith, Secretary of State.*

United States Consulate, Bordeaux, December 6, 1810.

SIR,

I have the honour to enclose a copy of Mr. Cathalan's letter to me, received this morning, concerning the recapture of the schooner Grace Ann Greene, of New York, Daniel Greene, master, who brought her into the port of Marseilles, having two British officers and seven sailors on board, and they only being six men, amongst which number two boys.

The brig New Orleans Packet, of New York, with a cargo of provisions and three hundred bags of cocoa on board, bound to the Mediterranean for a market, went to Gibraltar, where, after lying some time, came to this port, where he has been sequestered.

The schooner Friendship, of and from Baltimore, Capt. Snow, with a cargo of coffee and campeache, is arrived five days ago in this river. Whatever the issue may be of these two vessels, I shall have the honour to inform you of. I remain, very respectfully, sir, your most obedient humble servant,

(Signed)

CHR. MEYER.

To the Secretary of State

of the U. States of America, Washington.

*Copy of a Letter from Chr. Meyer to Mr. Smith, Secretary of State.*

United States Consulate, Bordeaux, December 14, 1810.

SIR,

Annexed is triplicate of my respects to you of the 6th instant, the brig Osmin and the ship Commodore Rogers, by which the original and duplicate went, having not got to sea yet.

The brig New Orleans Packet, of New York, Captain Harris, mentioned in my former letter, has since been seized by the collector, and her cargo has been put in the imperial custom-house.

The schooner Friendship, of and from Baltimore, Captain Snow, has been sequestered. I have the honour, &c. &c.

(Signed)

CHR. MEYER.

Robert Smith, Esq. Secretary of State.

Department of State, December 31, 1810.

SIR,

Having just received from General Armstrong the enclosed communication, (marked D) I hasten to transmit it to you, as a supplement to the report which I had the honour of laying before you on the 28th of this month. With the highest respect and consideration, I have the honour to be, sir, your most obedient servant,

R. SMITH.

The President of the United States.

(D.)

(COPY.)

Washington, December 29, 1810.

SIR,

In giving the few papers I brought with me another examination, I have found the enclosed extract from the minutes of the French council of commerce of the 12th of September last. Having a connexion with the subject of my letter of yesterday, I have the honour of transmitting it to you, and at the same time of renewing the assurances of my very high consideration.

(Signed)

JOHN ARMSTRONG.

Hon. Robert Smith, Secretary of State.

[Translation.]

*Extracts from the Minutes of the Office of the Secretary of State.*

At the Palace of St. Cloud, September 12, 1810.

Napoleon, emperor of the French, king of Italy, protector of the confederation of the Rhine, and mediator of the Swiss confederation:

Upon the report of our minister of the interior:

After having heard our council of the administration of the finances, and in conformity with our decree of the 5th of August, 1810.

We have decreed and do decree as follows:

ARTICLE I. The duties of entry upon the articles of merchandise hereafter mentioned, are regulated in the following manner.

		Frauds, Cents.	
American potash, per quintal,	- - - - -	30	00
Hides in the hair, American, the piece,	- - - - -	2	50
Fish-oil, per quintal decimal,	- - - - -	25	00
Cod fish, idem,	- - - - -	10	00
Dried fish, idem,	- - - - -	8	00
Elephants' teeth, idem,	- - - - -	400	00
Tortoise shell, idem,	- - - - -	1,500	00
Mother of pearl, idem,	- - - - -	200	00
American rice, idem,	- - - - -	120	00
Cachew, idem,	- - - - -	800	00

		Francs.	Cent.
Vanilla, per killogramme		60	00
Bark, red, idem		10	00
—, yellow idem		4	00
—, gray rolled, idem		7	00
Rhubarb, idem		6	00
Ipecacuanha, idem		12	00
Sumac, per quintal decimal,		30	00
Ginger, idem		30	00
Pimento, (see the decree of August 5th).			
Black pepper, <i>Cassia Ligneæ</i> , idem.			
Cinnamon Ord.			
" <i>Casse ou Canefice</i> ," per quintal		150	00
Rocou, } idem		200	00
Ordrilla, }			
" <i>Curcuma</i> ," idem		125	00
Gum of Senegal,			
— Arabic, idem		75	00
— Iaric, idem			
Gayac,			
Gum Copal,			
— Shellac,			
Indian Rubber,	per quintal decimal	200	00
Gum Ammoniac,			
— Segapanum,			
— Elemi, idem		500	00
— gute, idem		600	00
— opoponax, idem		400	00
Gayac wood,			
Cayenne do,	idem	30	00
Quercitron bark,			
Palissandre wood,			
Red wood, per quintal decimal		150	00
Red Sandal wood		20	00
Aloe wood		800	00
Nephretic wood		500	00
" <i>Rhodes</i> " wood		200	00
Sandal Citron wood		250	30
Tanaris wood		150	00
Brazil wood			
Caliatour wood		15	00

ARTICLE II. Our ministers of the interior, of justice, and of the finances, are charged with the execution of the present decree.

(Signed)

NAPOLÉON.

By the Emperor.

The minister Secretary of State,

(Signed)

H. B. DUKE OF BASSANO.

The Counsellor Director General of the Customs,

The Count de Sussy.

(TRANSLATION.)

## FRENCH EMPIRE.

Paris, December 26, 1810.

*Copy of a Letter from his Excellency the Grand-judge, Minister of Justice to the Counsellor of State, President of the Council of Prizes.*

Paris, Dec. 25, 1810.

MR. PRESIDENT,

The minister of foreign relations, by order of his majesty, the emperor and king, addressed on the 5th of August last, to the plenipotentiary of the United States of America, a note containing the following words:

“ I am authorized to declare to you that the decrees of Berlin and Milan are revoked, and that after the first of November they will cease to have effect; it being well understood, that in consequence of this declaration, the English will revoke their orders in council, and renounce the new principles of blockade which they wished to establish, or that the United States, in conformity to the act you have just communicated, will cause their rights to be respected by the English.”

In consequence of the communication of this note, the president of the United States issued, on the 2d of November, a proclamation to announce the revocation of the decrees of Berlin and Milan, and declared that in consequence thereof, all the restrictions imposed by the act of the first of May must cease with respect to France and her dependencies: on the same day the treasury department addressed a circular to all the collectors of the customs of the United States, which enjoins them to admit into the ports and waters of the United States armed French vessels; prescribes to them to apply, after the 2d of February next, to English vessels of every description, and to productions arising from the soil and industry, or the commerce of England and her dependencies, the law which prohibits all commercial relations, if at that period the revocation of the English orders in council, and of all the acts violating the neutrality of the United States, should not be announced by the treasury department.

In consequence of this engagement entered into by the government of the United States, to cause their rights to be respected, his majesty orders, that all the causes that may be pending in the council of prizes of captures of American vessels, made after the first of November, and those that may in future be brought before it, shall not be judged according to the principles of the decrees of Berlin and Milan, but that they shall remain suspended; the vessels captured or seized to remain only in a state of sequestration, and the rights of the proprietors being reserved for them until the 2d of February next, the period at which the United States having fulfilled the engagement to cause their rights to be respected, the said captures shall be declared null by the council, and the American vessels restored, together with their cargoes, to their proprie-

tors. Receive, Mr. President, the new assurances of my most distinguished consideration.

(Signed)

THE DUKE OF MASSA.

*Copy of a Letter from the Minister of Finance to the Count of Sussy, Counsellor of State, Director-general of the Customs, dated*

December 25, 1810.

On the 5th of last August, the minister of foreign relations wrote to Mr. Armstrong, minister plenipotentiary of the United States of America, that the Berlin and Milan decrees were revoked, and that after the 1st of November they would cease to have effect; it being well understood, that in consequence of this declaration, the English would revoke their orders in council, and renounce the new principles of blockade which they wished to establish; or that the United States, in conformity to the act communicated, should cause their rights to be respected by the English.

On the communication of this note, the president of the United States issued, on the 2d of November, a proclamation, which announces the revocation of the Berlin and Milan decrees, after the 1st of November; and which declares, that in consequence thereof, all the restrictions imposed by the act of the 1st of May, 1809, should cease with respect to France and her dependencies.

The same day, the treasury department addressed to the collectors of the customs a circular, which directs them to admit into the ports and waters of the United States, armed French vessels, and enjoins it on them to apply, after the 2d of February next, the law of the 1st of May, 1809, prohibiting all commercial relation to English vessels of every description, as well as to productions of the soil, industry, or commerce of England, and her dependencies.

His majesty having seen, in these two pieces, the enunciation of the measures which the Americans purpose taking on the 2nd of February next, to cause their rights to be respected, has ordered me to inform you, that the Berlin and Milan decrees must not be applied to any American vessels that have entered our ports since the 1st of November, or may enter in future; and that those which have been sequestered, as being in contravention of these decrees, must be the object of a special report.

On the 2d of February, I shall acquaint you with the intentions of the emperor with regard to the definitive measures to be taken for distinguishing and favouring the American navigation. I have the honour to salute you: the minister of finance,

(Signed)

THE DUKE OF GAËTE.



## FRENCH STATE PAPERS.

### ADDRESS

• *Delivered by his Imperial Majesty, Napoleon, to the Council of Commerce in Paris, 31st March, 1811.*

The decrees of Berlin and Milan, are the fundamental laws of my empire. For the neutral navigation, I consider the flag as an extension of territory. The power which suffers its flag to be violated cannot be considered as neutral.

The fate of the American commerce will soon be decided. I will favour it, if the United States conform themselves to these decrees. In a contrary case, their vessels will be driven from my empire.

The commercial relations with England must cease. I tell it to you very loudly. Gentlemen merchants who have any business to settle, and funds to withdraw, ought to do it as soon as possible. I gave that advice to the inhabitants of Antwerp, and they profited by it.

I wish for peace, but not on a frail foundation. I wish for it in good faith, and such that it will offer sufficient guarantees, because I do not lose sight of Amiens or St. Domingo, nor the losses that commerce has experienced by the declaration of war. I should not have made the peace of Tilsit. I should have gone to Vilna and further, had it not been for the promise of the emperor of Russia, to bring about a peace between England and France. Previous to the reunion of Holland, I made overtures of peace, but the English ministry did not even listen to them. The continent will be shut against the importation from England. I am armed *cap à pie*! to enforce the execution of my orders and to frustrate the intentions of the English in the Baltic. There exists yet some fraud, but it shall be destroyed. I know the dealers in English commerce; those who think only of escaping the laws, and those who by extravagant speculations have become bankrupts; but if they succeed in evading my officers of the customs, my sword will reach them sooner or later, in three, four, five or six months; then they cannot complain.

I listen to what is said on the part of the merchants. I know that they censure loudly my measures; they say that I am badly advised. I cannot blame them nor be angry at their opinion, because they are not placed in a situation to see and to calculate as I do. Those who have lately arrived from England, and who have seen the effect the interruption of the continental commerce had in that country, cannot help saying that it is possible I may be right, and that I may at last succeed in my undertakings! In my empire the commerce of the interior or of exchange is above fourteen milliards [*equal to fourteen thousand millions of Francs*]. It is on this basis that its sources and its prosperity ought to be com-



bined. I know that Bordeaux, Hamburgh, and other seaports, suffer by the interruption of maritime trade. The late municipal regulations made by the emperor of Russia, have hurt the manufactory of Lyons. These are individual losses, I will try to mitigate them. The exportation for Russia, which did not exceed twenty-five millions, when the profits on the total amount did not exceed two per cent. cannot impede or change the general system.

Russia has got a large paper medium; Austria also; England is overrun with it. France is the richest country on the globe; her territorial resources are immense.—She has money in abundance. From a late report there has arrived in France upwards of one milliard [one thousand millions of francs] by war contributions. I have two hundred millions in my private chest in the Thuilleries. I receive nine millions of impositions paid in crowns, of which a very small proportion only proceeds from maritime commerce. I am told that by late experiments, France can do without the sugar and the indigo of the Indies. I will encourage those means of industry.

Chemistry has of late made such wonderful progress that it is possible it will operate as great a revolution, and as extraordinary in the commercial relations as was occasioned by the discovery of the loadstone.

I do not say that I do not want maritime commerce, but we must abandon it for the moment, and until England returns to just and reasonable principles, or until I can dictate to her the conditions of a peace.

If I was heir to the throne of Louis XV. or XVI. I should be obliged to go on my knees to beg a peace, but I have succeeded to the emperors of France. I have united to my empire the mouths of the greatest rivers of the Adriatic. Nothing can prevent me from building a fleet of two hundred sail of the line, arm, and man them.

I know the English have better admirals, it is a great advantage; but by fighting we will learn to vanquish them. If we lose one, two, or three battles, we will gain the fourth, by this simple and natural reason, that who are the strongest will vanquish the weakest.

I had no thought that the market of South America would have been so soon glutted with the English manufactures, but I have calculated on the nullity of the return. The continental markets being shut up, the English will be obliged to throw into the Thames the sugar and indigo which they have exchanged for the objects of their industry, which furnishes them with such immense resources.

Here, as well as in England, the manufacturers have been very imprudent; they did not calculate with accuracy the consumption of their manufactures. The English government has been obliged to contribute to their manufacturers' distresses; and I have also granted some, and might have done a great deal more, but I did not think it convenient, nor did I think it was prudent to encourage principles as bad as they are dangerous. It is not enough to

be able to manufacture, one ought to have and to know the means of selling them, and ought not to manufacture ten ells of cloth when four are only wanted. It was not hard to see that after twenty years of war and revolutions, the consumption of the continent ought to have diminished, and that a great many persons who used to have four coats a year could not have more than two or perhaps one.

Commerce is honourable, but its basis is prudence and economy. You must be prudent, gentlemen; the merchant ought not to gain his fortune as we gain a battle; he ought to gain a little at a time, and that little constantly.

*Answer of his Majesty the French Emperor and King, to the Address of the Deputation from the Cities of Hamburg and Bremen.*

Paris, March 20, 1811.

Gentlemen, deputies of the Hanse Towns of Hamburg, Bremen, and Lubeck. You formed part of the Germanic empire; your constitution terminated with its existence. Since that time your situation was uncertain. I intended to reconstitute your cities under an independent administration; when the changes produced in the new world by the new laws of the British council rendered the project impracticable. It was impossible for me to give you an independent administration, since you could no longer have an independent flag.

The decrees of Berlin and Milan are the fundamental laws of my empire; they cease only to have effect as to those nations which defend their sovereignty, and maintain the religion of their flag. England is in a state of blockade as to those nations which submit to the orders of 1806, because the flags thus submitting to the English laws are denationalized—they are English. Those nations, on the contrary, which feel their own dignity, and find in their courage and power sufficient resources to disregard the blockade, and to approach all the ports of my empire, except those under real blockade, according to the known usage and the stipulations of the treaty of Utrecht, may hold communication with England. As to them England is not blockaded. The decrees of Berlin and Milan flowing from the nature of things, shall continue to form the public code of my empire, as long as England maintains her orders in council of 1806 and 1807 and violates the stipulations of the treaty of Utrecht upon this subject.

England acts upon the principle of seizing the enemy's merchandise, under whatever flag it might be. The empire has been compelled to admit the principle of seizing English merchandise, or proceeding against the commerce of England, in whatever territory it may be. England seizes in every sea the passengers, merchants, and carriers, belonging to the nations she is at war with. France is compelled to seize the English travellers, merchants, and carriers, in whatever part of the continent they may be, and wherever she can reach them: and if in this system there be any thing little consonant to the spirit of the age, it is the injustice of the new English laws that must be charged with it.

I have been pleased to enter into these explanations with you, to convince you that your union with the empire is the necessary result of the British laws of 1806 and 1807, and not the effect of any ambitious calculation. In my civil laws you will find a protection, which, in your maritime position, you can no longer find in the political code. That maritime commerce which constituted your prosperity cannot henceforth be revived but in conjunction with the restoration of my maritime power. The rights of nations, the liberty of the seas, and a general peace, must be conquered at one and the same time. When I shall have upwards of 100 sail of the line, I shall subjugate England in a few campaigns. The seamen of your coasts, and the materials conveyed to the mouths of your rivers, are necessary to my purpose. France within her own limits, could not construct a marine in time of war. When her coasts were blockaded, she was compelled to receive the law. Now, from the increase my empire has received within the last six years, I can build, equip, and arm twenty-five sail of the line yearly, without the slightest delay or obstructions from the existence of a maritime war.

The accounts that have been given me of the good disposition which animates your fellow citizens have afforded me pleasure; and I hope in a short time to have to praise the zeal and bravery of your seamen.

*Confidential Letter from the Duke of Cadore to the Foreign Ministers at the Court of St. Cloud.*

By the command of his majesty the emperor and king, my most gracious sovereign, I transmit to your excellency the following *confidential* communication. It displays an impartial view of the great question of peace and war; it shows clearly the source from which the past and present misery of mankind originates and flows.

Had, some centuries ago, the British islands been swallowed up in the seas that encompass them, the European continent would have contained only a grand and united family. Witnessing its superior civilization and prosperity, the inhabitants of the other parts of the world would then have striven to obtain with it a social compact or a political adoption. The slaughter of generations and the devastations of nations, would then have been unknown. A slight chastisement would then have been sufficient to intimidate the refractory and to correct the disobedient. The true God would then have been worshipped by all nations. Dutiful subjects would then have hailed their prince as another providence. But when men begin to canvass the adoration of their heavenly Creator, they will not long hesitate to assail the prerogatives of their earthly sovereigns. Rebellion is the twin brother of impiety. Anarchy and atheism are their common offspring. The English Wickliff had the sacrilegious audacity to propose innovations in religion, long before the Bohemian Huss and the Saxon Luther proclaimed themselves heretics. The latter would not have dared to stir, had not England already distributed its poison among the Germans; they

merely took advantage of a contagion; suffered to become popular, by the ignorance and vices of the clergy, and by the apathy and impolicy of governments. Since this time, in particular, England has never been quiet within herself and has never ceased to disturb the tranquillity of all other states. As might have been foreseen, the success of the religious innovators encouraged the attempt of political incendiaries. The continent was inundated with the blasphemous and perverse reveries of English antichristians and English antimonarchists. They sapped the very foundation of social order. To prove their thorough contempt for all institutions, divine as well as sacred, they opened their temples to the most ignorant and vitious of fanatics, and delivered the most virtuous of their kings into the hands of the most ferocious of regicides. How many millions of continental Europeans have not bled, because these islanders had with impunity braved their God and butchered their monarch? (Alas! said, feelingly, his imperial and royal majesty\*, without their enormous perpetrations, Louis XVI. might still have reigned, and a happy obscurity been my lot. Supreme authority is but an inadequate indemnity for my anxiety and labour to be the worthy sovereign of the greatest of nations). In fact, if the infernal assassins of Louis XVI. were debased Frenchmen, they had been tutored by English sophistry; they had been misled by the examples, or seduced by the gold of the English factions. Is it not England alone, which at this moment distracts Europe, and causes the blood of its children to be lavished in Turkey, Germany, Spain, Sicily, and Portugal? Has not his imperial and royal majesty almost yearly and in the midst of his most splendid achievements, presented the olive branch, always interwoven with laurels, to ungrateful England? How often has he not, from the bottom of his patriotic soul, in vain exclaimed—"Englishmen, I love you as men, and I esteem you as warriors! Let all human carnage be at an end. Let outraged humanity recover its too long lost rights! Let us be friends upon terms reciprocally honourable! Let our future rivalry be to enlighten instead of destroying our fellow beings!" But his imperial and royal majesty has addressed himself to a government too weak to dare to be just, and too powerful not to be able to do mischief; and to a nation too selfish to feel for the sufferings of others; and too licentious to attend to its real interest.

It cannot longer be doubted that mankind must continue to be disturbed until the constitution of the British empire is reformed, in a manner more congenial with the spirit of the constitutional charters, which at present, secure the dignity and the power of sovereigns, and the obedience and safety of the subjects of the continent. To effect such a salutary reform in the British islands, the principal European cabinets must be unanimous in their resolves, and firm and vigorous in their proceedings. England must fall prostrate if the continent remains upright. The division and weakness of other states, compose her whole strength. An-

other constitution must be offered her. If she prudently adopts it, her independence and dominions will be guaranteed; but if she is blind and obstinate enough to refuse, a solemn decree of all civilized governments will repudiate her for ever from the great family of the European commonwealth; and she shall be ranked for the future among the piratical states of Africa. No more neutrals shall be endured. Capital punishment shall be inflicted on the master and crew of the ships of any foreign country trading with her; and the law of high treason shall be executed on smugglers, purchasers, and sellers of her productions or commodities. These plans and regulations may at an imperfect view appear rather severe; but without them a truce alone can be signed, but a peace can never be concluded between her and the continent. This severity towards her, is, therefore, a real humanity with regard to all nations upon the globe, not excluding Great Britain herself. This fact may be proved without any difficulty, or the possibility of a contradiction. If Englishmen were made of those materials that compose all other people, it would require little knowledge of the human mind to foretell the most flattering issue, without resorting to extremities: but they differ totally from the rest of the human species.

Who can deny that a British king, according to the organized constitutional anarchy of his kingdom, is now the most humbled of slaves? When the monarch is not free, how dare his subjects talk of liberty? The truth is that the bondage of Englishmen, becomes heavier as it ascends: it emanates from the lowest of the rabble, a set of petty tyrants, ignorant and brutal, corrupt and oppressive.

Is that monarch not a slave, who is deprived of selecting his own counsellors and servants? Who, during a reign of half a century has, among scores of ministers, not been surrounded by ten, he could like or trust; by six, he could love or esteem! Are the fetters of that royal parent tight, who during months is forced to see and hear a beloved son, the butt of the most malignant passions of the most malignant and debased of men? Do those ministers deserve the name of freemen, who are obliged to be undutiful and ungrateful to the prince who has elevated them, to flatter a licentious mob, that despise and insult them? What must we think of the heads of the hearts of sworn royal counsellors, who dare not save the bosom of their prince from torture, and the character of his child from unjust ignominy, though they must know that the tormentors are the most profligate of villains and the most unprincipled of conspirators? What must be the standard of the honour of a nobility, that not only not interferes between the infamous assailers of a prince of the blood, but suffers some of its own members to act as accomplices in the assault? Can those representatives of the people make any pretence to liberty, loyalty or patriotism, who do not expel or punish the factions and traitors among them, that try to stab monarchy by bespattering the son of their monarch? What freedom or what loyalty must these pretended

royal family, purchase openly, their future silence about one of the sons of their king, whom it was hardly possible any new slander could degrade more than unnaturally to involve another son of their king in the disgrace of his brother? Can any decency or any loyalty be supposed to exist among the citizens of the first city of the British empire, who not only join the wild fiends of their sovereign every where, but encourage the senseless pratings of insolent and ignorant shopkeepers, never opening their mouths but to babble impertinence, but to bawl out treason? Did a single county interpose, in the shamefully and cruelly audacious hunt of the royal victim? Did not, on the contrary, every county emulate, in this race of infamy, which should be foremost to wound the feelings of a venerable king, and to recompense the outrageous perpetrations of the bitter enemies of his domestic peace as much as his royal supremacy? Is it not evident, even to the most superficial observer, that either sound morality or rational liberty must be wanting in the British nation? If it would be uncharitable to suppose the former, it would also be ridiculous not to see the total absence of the latter.

In Great Britain faction meddles with every thing and every body; even the king is factious in self-defence, for self-preservation. Have not, however, both in ancient and modern times; both in Greece and France; both in Rome and in England; have not factions always been the most oppressive of despots? Have not factions always and every where been the companions of licentiousness, and the assassins of freedom? Have not factions at all times been intolerant, daring, unjust, and incorrigible? To judge by the scandalous scenes in the British islands, which an indignant continent have lamented of late, little hope remains, that the factions there would desist from their nefarious deeds, were even France (as she might do) to producing damning evidence, for centuries past up to this very time, of every chief of faction, of every usurper of the name of patriot, and of every candidate for popularity in Great Britain, having either fixed his price to, or intrigued with the enemies of his country; either accepted bribes or received instructions from rival or inimical cabinets. Though the majority might be convinced, a desperate minority would command. In England, as has been the case in France, factions can never be mended; they must be extirpated. Some few persons, ambitious, or bankrupt in characters and fortunes, will always, under the existence of the actual constitution of a royal democracy, find opportunities to mislead the ignorant and to head the needy and the disaffected, in committing excesses dangerous to the peace of Europe, by contagious examples.

It belongs to history to recapitulate the many recent acts of the daring spirit of British factions and of their influence on the internal and external politics of Great Britain, of their crimes towards humanity, of their common ferocity and barbarity. But had they not power, after trampling under their feet a prince of the royal blood; to extol the exploits of a general, who deliberated when he

ought to have acted, who advanced when he should have retreated, and whose retreat was a disorderly flight before a handful of pursuers: while they force another general to resign, though victorious, because the climate, the elements and other unforeseen occurrences, prevent him from succeeding to the whole extent of extravagant expectations? Have they not forced their king to leave unpunished a political agent\* who deserved to be impeached for want of ability or of integrity in disobeying and disregarding his instructions? Have they not forced their king to leave unrewarded another political agent† whose firmness and whose obedience to the orders of his sovereign, exposed him to public insult and personal dangers? Have they not forced their king to swallow, without daring to resent these and other provocations, *though offered by the most weak and contemptible of governments?*‡ But in all the branches of the constitutional establishments of Great Britain, factions sway an anarchical iron sceptre, confounding, deranging and invading all order. Has not a captain in the British fleet, cruising in Europe, dragged his admiral before a court martial? Though the latter has been honourably acquitted, have not factions shielded the accuser from punishment? Have not officers serving in the British army in India seduced their soldiers to mutiny? Have they not, backed by factions, added rebellion to insubordination, and held out the most dastardly and perjurious proceedings, as meritorious acts of patriotism and of retaliating justice? Is not the licentiousness of the British press such, that, protected and patronized by factions, a convicted libeller§, published from his prison the most inflammatory of essays, defying the laws and exciting civil discord, insulting equally the judge who condemned him and the government that carried their sentence into execution? Has not a chief of faction¶, who is also a member of parliament, honestly told this assembly, that the nation was not represented by its representatives, and that their country was not worth defending? Were they not instantly all fire, those very factions that shortly before with such admirable and philosophical patience heard the son of their king most unmercifully ill used? Did not these friends of liberty immediately decree a mandate of arrest against the declaimer of this disagreeable truth, of this bold frankness? Now, British anarchy exhibited itself in all its dreadful glory. Faction combats faction. Numbers of lives are lost in the very streets of the capital, where a civil war rages with all its fury. But mark: when, at last, the humanity of the king orders his guards to prevent farther bloodshed, a factious jury pronounces them murderous, because they did their duty and did not submit to be murdered themselves by the hands of the rebellious factions!!!

The proprietors of a theatre in London, augment a trifle the prices of admittance. Englishmen, like the Romans of sanguinary memory, do not miss such a propitious opportunity to create new factions. The most disgusting scenes, the effects of the most shameful licentiousness, transform the theatre into a field of battle for boxers and bruisers, for strumpets and pick-pockets. Among

\* Erskine. † Jackson.

a people that so much talk of respect for property, the property of individuals is openly invaded, and obliged to submit to the ruinous maximum of dictatorial factions. Ought it not to be apprehended, that prosperous anarchy will not stop at the door or in the pit of a theatre, but sooner or later force an entrance into banks, offices and magazines, there also to affix its maximum: to inflict its requisitions?

Since the wisdom of his imperial and royal mightiness has instructed the continent with regard to its true interest, continental warriors are no longer tributary to insular pedlars; and Englishmen, who in exchange for their dearly sold superfluities, received from foreigners their necessities almost for nothing, began to dread a famine. To lessen the consumption for grain, government looked for some substitute for the distilleries. Their warehouses weighing down with perishable colonial produce: sugar naturally presented itself and was proposed. The owners of lands took instant alarm; they formed an opposition; and during months, the grain and the sugar factions, with the theatrical and the reforming factions, with the naval and the military factions; with the jacobin, the city and the parliamentary factions, continued to engage the whole attention of a truly factious, divided and licentious people. This is not the only instance whereip the interior of London forms a striking resemblance with the interior of Constantinople, at the period the Musselmén were at its walls, and with their cimeters soon settled the disputes of the contending sects and parties.

Every foreign invader of the British islands has become conqueror. Bankruptcy may dismount; mutiny may disperse; storms may destroy and victory may capture fleets, hitherto the sole protectors of Great Britain against the just wrath of his imperial and royal majesty. Submission alone can prevent Britons from being like the Batavians, erased from the list of independent nations.—Resistance may retard in making more terrible the catastrophe, but it cannot alter their destiny. They have no choice left between obedience or conquest. The reigning house never produced a hero, and the domestic virtues of a prince ruling this turbulent and factious people are weak pledges that the repose of continental nations will not still be disturbed or invaded. It remains however to be decided, whether a change of dynasty will be necessary, or a change of constitution will be thought sufficient? Long ago, the mere ascent of his imperial and royal majesty might have produced a general overthrow. Long ago have different factions caused to be laid before his imperial and royal majesty, both requests for receiving support, and plans for effecting revolutions. But these are not times to encourage subjects to undermine established thrones. *Monarchs, alone, shall hereafter be the judges of monarchs; and wo to the prince who resorts to an appeal to his people against the sentence of his equals!!! He has ceased to reign.*

(Signed)

DUKE OF CADORE.

To his Excellency, \_\_\_\_\_

Most Confidential.

Fontainebleau, October 30th, 1810.



## AMERICAN STATE PAPERS.

*Papers in Relation to the Affairs of Florida.*

[CONFIDENTIAL.]

*To the Senate and House of Representatives.*

I RECOMMEND to congress, *in confidence*, a letter of the 2d of December, from Governor Folch, of West Florida, to the Secretary of State, and another of the same to John M'Kee.

I recommend, in like manner, a letter from the British Charge des Affaires to the Secretary of State, with the answer of the latter; although the letter cannot have been written in consequence of any instruction from the British government, founded on the late order for taking possession of West Florida, well known to be claimed by the United States. Although no communication has been made by that government to this, of any stipulation with Spain, contemplating an interposition, which might so materially affect the United States; and although no call can have been made by Spain, in the present instance, for the fulfilment of any such subsisting engagement; yet the spirit and scope of the document, with the accredited source from which it proceeds, required, that it should not be withheld from the consideration of congress.

Taking into view the tenor of these several communications, the posture of things with which they are connected, the intimate relation of the country adjoining the United States eastward of the river Perdido, to their security, and the peculiar interest they otherwise have in its destiny.

I recommend to the consideration of congress, the seasonableness of a *declaration*, that the United States could not see, without serious inquietude, any part of a neighbouring territory, in which they have, in different respects, so deep and just a concern, pass from the hands of Spain into those of any other foreign power.

I recommend to their consideration also, the expediency of authorizing the executive to take temporary possession of the said territory, in pursuance of arrangements, which may be desired by the Spanish authorities, and making provision for the government of the same, during such possession.

JAMES MADISON.

January 3, 1811.

[On receipt of the above confidential recommendations from the president, congress went into secret conclave and passed the following act and declaration,]

*Resolution: or, Declaration.*

Taking into view the peculiar situation of Spain and of her American provinces, and considering the influence which the destiny of the territory adjoining the southern border of the United States, may have upon their security, tranquillity, and commerce, *Therefore*,

Resolved, *By the senate and house of representatives of the*

*United States, in congress assembled*, That the United States, under the peculiar circumstances of the existing crisis, cannot, without serious inquietude, see any part of the said territory pass into the hands of any foreign power; and that a due regard to their own safety compels them to provide, under certain contingencies, for the temporary occupation of the said territory; they, at the same time *declare* that the said territory shall, in their hands, remain subject to future negotiation.

*An Act, intituled an Act, authorizing the President of the United States to occupy the territory therein mentioned, and for other purposes.*

Sec. 1. *BE it enacted by the senate and house of representatives of the United States of America, in congress assembled*, That the president of the United States be, and he is hereby authorized to take possession of and occupy all or any part of the territory lying east of the river *Perdido*, [East Florida] and south of the state of Georgia and the Mississippi territory, in case an arrangement has been, or shall be made with the local authority of the said territory, for delivering up of possession of the same or any part thereof to the United States, or in the event of an attempt to occupy the said territory or any part thereof, by any foreign government; and he may, for the purpose of taking possession and occupying the territory aforesaid, and in order to maintain therein the authority of the United States, employ any part of the army and navy of the United States, which he may deem necessary.

Sec. 2. *And be it further enacted*, That 100,000 dollars be appropriated for defraying such expences, as the president may deem necessary for obtaining, as aforesaid, and the security of the said territory, to be applied under the direction of the president, out of any money in the treasury not otherwise appropriated.

Sec. 3. *And be it further enacted*, That, until other provision be made by congress, the president be, and he is hereby authorized to establish within the territory aforesaid, a *temporary government*, and the military, civil, and judicial powers thereof, shall be vested in such person and persons, and be exercised in such manner as he may direct, for the protection and maintenance of the inhabitants of the said territory in the full enjoyment of their liberty, property and religion.

[The following Documents accompanied the Message aforesaid.]

*Colonel M'Kee to Mr. Eustis.*

Fort Stoddard, Dec. 5th, 1810.

Having on the 21st ult. taken the liberty of addressing you on the subject of the disturbances in this quarter, and having no acquaintance with any member of the present executive, I have presumed to enclose to your care a dispatch from Governor Folch to the secretary of state. I have enclosed a hasty translation of Governor Folch's letter to me, which, with some other considerations, has induced me to proceed immediately to the city of Washington, for which I leave this place in two or three days, and will proceed with the least possible delay to Knoxville. I have, &c.

(Signed)

JOHN M'KEE.

*Governor Folch to Colonel M'Kee.*

SIR,

Since the conversation I have had with you respecting the disturbances which at present afflict this province, I have thought of addressing myself directly to the executive power of the United States, through the medium of their secretary of state, proposing to treat for the delivery of the province in more positive terms than those I employed in the letter that I wrote to his Excellency Governor Holmes; because, as our difficulties every day increase, the necessity of hastening their conclusion increases also. I have believed also that it might be conducive to the better exit of this negotiation, that my dispatch should be intrusted to a person who could give to the government any information that it ought to possess, in order that it may deliberate with the brevity which is necessary. Considering that you, sir, are in a situation to fulfil this object, from having been an eye-witness of all that passed in this part of the province and the adjacent country, you can give information respecting the alarm which reigns among the inhabitants of the influence which the French agents in Louisiana exercise in these disturbances, and the risk which that province runs of being involved in the disorders which have had their birth in Florida, as well as the fatal consequences which may follow if the evil is not stopped in its beginning, and whatever else can be said on the subject.

In order to avoid accidents and delays, which it is not easy to foresee, I will deliver to you duplicates of the dispatch which I addressed to his excellency the secretary of state, in order that you may transmit one of them by the mail, and by this means to give early information to the government of the affairs on which it has to deliberate.

The satisfaction, &c. (which he had in a personal acquaintance, &c.)

• • (Signed)

V. FOLCH.

Mobile, 2d of Dec. 1810. “

*Governor Folch to Mr. Smith.*

SIR,

I will not detain myself in giving to your excellency information relative to the letter which I directed to his Excellency Governor Holmes, being persuaded it will be in the hands of your excellency long before this; but I will add to its contents, for your government, that I have decided on delivering this province to the United States, under an equitable capitulation, provided I do not receive succour from the Havanna or Vera Cruz, during the present month, or that his Excellency Marquis Someruelos, on whom I depend, should not have opened directly a negotiation on this point. The incomprehensible abandonment in which I see myself, and the afflicted situation to which this province sees itself reduced, not only authorize me, but force me to have recourse to this deter-

mination, the only one to save it from that ruin which threatens it. The United States are also authorized to accept it; as the disturbances which now afflict this province so near to them, must increase every day—they cannot but have an influence on their tranquillity, an object which merits the first care of every government.

The inhabitants of Baton Rouge may figure to themselves many motives which may in their conception justify the determination they have adopted; but they cannot produce even a single one which can make tolerable the tyrannical, illegal, and unjust obstinacy with which they insist, that the other districts of the province should subject themselves to their will. The United States, which profess the exercise of equity, cannot exempt themselves from taking part with the party unjustly oppressed. In this belief I recur to its executive through the medium of your excellency, supplicating him, that he will be pleased to send orders to the commandant at Fort Stoddard, that he should assist with the troops which he has under orders, for the purpose of forcing the party under the command of Reuben Kemper to retire within the districts of Baton Rouge; intimating to him that if in future he should repeat his incursions in the district of Mobile and Pensacola, the troops of the United States joined to the Spanish troops will use force to keep them back.

These districts have the more reason to expect from the rectitude of the United States the assurance which I ask, as the party which Kemper commands has been recruited, armed, and provisioned within the limits of their sovereignty. At the same time, if any proposition is accepted, orders may be given authorizing some person to meet with me for regulating the evacuation of the province and what ought to precede it. I conclude, &c.

V. FOLCH.

Mobile, 2d of Dec. 1810.

*Mr. Morier to Mr. Smith.*

Washington, Dec. 15th, 1810.

SIR,

I deem it to be a duty incumbent on me, considering the strict and close alliance which subsists between his majesty's government and that of Spain, to express to the government of the United States, through you, the deep regret with which I have seen that part of the president's message to congress in which the determination of this government to take possession of West Florida is avowed.

Without presuming to discuss the validity of the title of the United States to West Florida, a title which is manifestly doubtful, since according to the president's proclamation it is left open to discussion, but which has nevertheless been brought forward as one of the pleas to justify the occupation of these provinces, may it not be asked why that province could not have been as fairly a subject of negotiation and adjustment in the hands of the Spaniards,

who possess the actual sovereignty there, as in the hands of Americans, who to obtain possession, must begin by committing an act of hostility towards Spain.

But it may be said that the Spanish forces in Mexico, in Cuba, or in Pensacola, are unequal to quell the rebellious association of a band of desperadoes, who are known by the contemptuous appellation of land-jobbers. Allowing as much (which you will agree with me, sir, is allowing a great deal) would it not have been worthy of the generosity of a free nation like this, bearing as it doubtless does, a respect for the rights of a gallant people at this moment engaged in a noble struggle for its liberty, would it not have been an act on the part of this country dictated by the soundest ties of good neighbourhood and of friendship which exists between it and Spain, to have simply offered its assistance to crush the common enemy of both, than to have made such interference the pretext of wresting a province from a friendly power, and that at a time of her adversity.

For allow me, Sir, to inquire how can the declaration in the president's proclamation, that in the hands of the United States, that territory will not cease to be a subject of fair and friendly adjustment, be made to accord with the declaration in his message to congress (implying permanent possession) of the adoption of that people into the bosom of the American family. The act, consequently, of sending a force to West Florida, to secure by arms, what was before a subject of friendly negotiation, cannot, I much fear, under any palliation be considered as other than an act of open hostility against Spain. Whilst, therefore, it is impossible to disguise the deep and lively interest which his majesty takes in every thing that relates to Spain, which would I am convinced induce him to mediate between Spain and the United States on any point of controversy which may exist between them with the utmost impartiality and good will towards both parties, I think it due to the sincere wish of his majesty to maintain unimpaired the friendship which at this moment happily exists between Great Britain and the United States, to say that such are the ties by which his majesty is bound to Spain, that he cannot see with indifference any attack upon her interests in America; and as I have no doubt the government of the United States will attribute this representation to the most conciliatory motives, I am induced to request in answer to it such explanation on the subject as will at once convince his majesty's government of the pacific disposition of the United States towards his majesty's allies, the Spaniards, and will remove the contrary impression, which I fear the president's message is likely to make.

I have the honour to be, &c.

J. P. MORIER.

*Mr. Morier to Mr. Smith.*

Mr. Morier presents his compliments to Mr. Smith; and begs the favour to be informed when he may expect an answer to the

letter which he had the honour to address to Mr. Smith on the 15th instant.

Mr. Morier, at the same time, hopes that Mr. Smith, concurring in the opinion that it would be desirable that his majesty's government should as soon as possible after the receipt of the president's message be furnished with the explanation which Mr. Morier has requested in the above letter, on the occupation of West Florida in the name of the United States, will readily excuse the solicitude with which he again presses this subject upon the attention of this government.

Washington, Dec 22d, 1810.

*Mr. Smith to Mr. Morier.*

Department of State, Dec. 28th, 1810.

SIR,

Taking into view the subject and circumstances of your letter of the 15th instant, I have, in acknowledging it, only to remark to you, although it is sufficiently evident from the face of the documents before the public, that no hostile or unfriendly purpose is entertained towards Spain, the only power known to the United States in the transaction, yet our functionary at London has been enabled to give to your government whatever explanations may comport with the frankness and the spirit of conciliation which have been invariably manifested on the part of the United States.

I have, &c.

R. SMITH.

(Signed)

John Philip Morier, Esq. Charge d'Affaires.

*An Act supplementary to an Act, intituled an Act, authorizing the President of the United States to occupy the Territory therein mentioned, and for other Purposes.*

BE it enacted by the senate and house of representatives of the United States of America, in congress assembled, That this act, the act intituled "An Act, authorizing the President of the United States to occupy the territory therein mentioned, and for other purposes," and the declaration accompanying the same, be not printed, or published, until the end of the next session of congress, unless directed by the president of the United States, any law or usage to the contrary notwithstanding.

The above act passed in a secret sitting, on the evening of the 3d of March. (Sunday night.)

AFFAIR OF THE LITTLE BELT.

[OFFICIAL.]

*Copy of a Letter from Commodore Rodgers to the Secretary of the Navy.*

U.S. Frigate President, off Sandy Hook, 23d May, 1811.

SIR,

I REGRET extremely being under the necessity of representing to you an event that occurred on the night of the 16th inst. between the ship under my command and his Britannic majesty's ship of war the *Little Belt*, commanded by Captain Bingham: the result of which has given me much pain, as well on account of the injury she sustained, as that I should have been compelled to the measure that produced it, by a vessel of her inferior force. The circumstances are as follows: On the 16th inst. at twenty-five minutes past meridian in seventeen fathoms water, Cape Henry bearing s. w. distant fourteen or fifteen leagues, a sail was discovered from our mast head in the east, standing towards us under a press of sail. At half past one, the symmetry of her upper sails (which were at this time distinguishable from our deck) and her making signals showed her to be a man of war. At forty-five minutes past one, p. m. hoisted our ensign and pendant; when, finding her signals not answered, she wore and stood to the southward. Being desirous of speaking her, and of ascertaining what she was, I now made sail in chase; and by half past three, p. m. found we were coming up with her, as by this time the upper part of her stern began to show itself above the horizon. The wind now began, and continued gradually to decrease, so as to prevent my being able to approach her sufficiently before sunset, to discover her actual force (which the position she preserved during the chase was calculated to conceal), or to judge even to what nation she belonged; as she appeared studiously to decline showing her colors. At fifteen or twenty minutes past seven, p. m. the chase took in her studding sails, and soon after haled up her courses, and haled by the wind on the starboard tack; she at the same time hoisted an ensign or flag at her mizen peak; but it was too dark for me to discover what nation it represented. Now, for the first time, her broad side was presented to our view; but night had so far progressed, that although her appearance indicated she was a frigate, I was unable to determine her actual force.

At fifteen minutes before eight, p. m. being about a mile and a half from her, the wind at the time very light, I directed Captain Ludlow to take a position to windward of her and on the same tack, within short speaking distance. This, however, the commander of the chase appeared from his manoeuvres to be anxious to prevent, as he wore and haled by the wind on different tacks four times

successively between this period and the time of our arriving at the position, which I had ordered to be taken. At fifteen or twenty minutes past eight, being a little forward of her weather beam and distant from seventy to a hundred yards, I hailed "What ship is that?" To this inquiry no answer was given; but I was hailed by her commander and asked, "What ship is that?" Having asked the first question, I of course considered myself intitled by the common rules of politeness to the first answer. After a pause of fifteen or twenty seconds, I reiterated my first inquiry of "What ship is that?" and before I had time to take the trumpet from my mouth, was answered by a shot, that cut off one of our main topmast breast backstays and went into our main mast. At this instant Captain Caldwell (of marines), who was standing very near to me on the gangway, having observed, "Sir, she has fired at us," caused me to pause for a moment just as I was in the act of giving an order to fire a shot in return, and before I had time to resume the repetition of the intended order, a shot was actually fired from the second division of this ship: and was scarcely out of the gun before it was answered from our assumed enemy by three others in quick succession, and soon after, the rest of his broadside and musketry. When the first shot was fired, being under an impression that it might possibly have proceeded from accident and without the orders of the commander, I had determined at the moment to fire only a single shot in return; but the immediate repetition of the previous unprovoked outrage, induced me to believe that the insult was premeditated, and that from our adversary being at the time as ignorant of our real force as I was of his, he thought this, perhaps, a favourable opportunity of acquiring promotion, although at the expence of violating our neutrality and insulting our flag. I accordingly, with that degree of repugnance incident to feeling equally determined neither to be the aggressor, nor to suffer the flag of my country to be insulted with impunity, gave a general order to fire; the effect of which, in from four to six minutes, as near as I can judge, having produced a partial silence of his guns, I gave orders to cease firing; discovering by the feeble opposition that it must be a ship of very inferior force to what I had supposed, or that some untoward accident had happened to her.

My orders in this instance, however, (although they proceeded alone from motives of humanity and a determination not to spill a drop of blood unnecessarily) I had in less than four minutes some reason to regret, as he renewed his fire, of which two thirty-two pound shot cut off one of our fore shrouds and injured our foremast. It was now that I found myself under the painful necessity of giving orders for a repetition of our fire against a force which my forbearance alone had enabled to do us an injury of moment. Our fire was accordingly renewed and continued from three to five minutes longer, when perceiving our opponent's gaff and colors down, main top-gail yard upon the cap, and his fire silenced, although it was so dark that I could not discern any other particu-



lar injury we had done, or how far he was in a situation to do us farther harm, I nevertheless embraced the earliest moment to stop our fire and prevent the farther effusion of blood. Here a pause of half a minute or more took place, at the end of which our adversary not showing a farther disposition to fire, I hailed, and again asked "What ship is that?" I learned, for the first time, that it was a ship of his Britannic majesty's; but owing to its blowing rather fresher than it had done, I was unable to learn her name. After having informed her commander of the name of this ship, I gave orders to wear, run under his lee and hale by the wind on the starboard tack, and heave to under topsails and repair what little injury we had sustained in our rigging, which was accordingly executed; and we continued laying to on different tacks with a number of lights displayed in order that our adversary might the better discern our position, and command our assistance, in case he found it necessary during the night. At day light on the 17th, he was discovered several miles to leeward, when I gave orders to bear up and run down to him under easy sail. After hailing him, I sent a boat on board with Lieut. Creighton, to learn the names of the ship and her commander, with directions to ascertain the damage she had sustained, and to inform her commander, how much I regretted the necessity on my part, which had lead to such an unhappy result; at the same time to offer all the assistance that the ship under my command afforded, in repairing the damages his had sustained. At nine a. m. Lieut. Creighton returned with information, that it was his Britannic majesty's ship Little Belt, commanded by Captain Bingham, who, in a polite manner, declined the acceptance of any assistance; saying, at the same time, that he had on board all the necessary requisites to repair the damages sufficiently to enable him to return to Halifax.

This however was not the most unpleasant part of Captain Bingham's communication to Lieutenant Creighton, as he informed him, that in addition to the injury his ship had sustained, between twenty and thirty of his crew had been killed and wounded.

The regret that this information caused me, was such, you may be sure, as a man might be expected to feel, whose greatest pride is to prove, without ostentation, by every public as well as private act, that he possesses a humane and generous heart; and with these sentiments, believe me, sir, that such a communication would cause me the most acute pain during the remainder of my life, had I not the consolation to know that there was no alternative left for me between such a sacrifice, and one which would have been still greater, namely, to have remained a passive spectator of insult to the flag of my country, whilst it was confided to my protection; and I would have you to be convinced, sir, that however much individually I may previously have had reason to feel incensed at the repeated outrages committed on our flag by British ships of war, neither my passions nor prejudices had any agency in this affair.

To my country, I am well convinced of the importance of the transaction which has imposed upon me the necessity of making you this communication. I must, therefore, from motives of delicacy, connected with personal considerations, solicit that you will be pleased to request the president to authorize a formal inquiry to be instituted into all the circumstances as well as into every part of my conduct connected with the same.

The injury sustained by the ship under my command is very trifling, except to the fore and main masts which I before mentioned; no person killed, and but one (a boy) wounded.

For further particulars I refer you to Captain Caldwell, who is charged with the delivery of this communication. I have the honour to be, with great respect, sir, your obedient servant,

(Signed)

JOHN RODGERS.

His Majesty's Sloop Little Belt, May 21st, 1812, lat. 36, 53, N. long. 71, 49, W. Cape Charles, bearing W. 48 miles.

SIR,

I beg leave to acquaint you, that in pursuance of your orders to join his Majesty's ship *Guerriere*, and being on my return from the northward, not having fallen in with her, that about 11 a. m. May 16th, saw a strange sail, to which I immediately gave chase. At one p. m. discovered her to be a man of war, apparently a frigate, standing to the eastward, who, when he made us out, edged away for us, and set his royals. Made the signal 275, and finding it not answered, concluded she was an American frigate, as she had a commodore's blue pendant flying at the main. Hoisted the colors and made all sail south, the course I intended steering round Cape Hatteras; the stranger edging away but not making any more sail. At 3 h. 30 m. he made sail in chase, when I made the private signal which was not answered. At 6 h. 30 m. finding he gained so considerably on us as not to be able to elude him during the night, being within gun-shot, and clearly discerning the stars in his broad pendant, I imagined the most prudent method was to bring to, and hoist the colors, that no mistake might arise and that he might see what we were. The ship was therefore brought to, her colors hoisted, her guns double shotted, and every preparation made in case of a surprise. By his manner of steering down, he evidently wished to lay his ship in a position for raking, which I frustrated by wearing three times. About 8 h. 15 m. he came within hail. I hailed, and asked what ship it was? He repeated my question. I again hailed; and asked what ship it was? He again repeated my words, and fired a broadside, which I instantly returned. The action then became general, and continued so for three quarters of an hour, when he ceased firing and appeared to be on fire about the main hatchway. He then filled. I was obliged to desist from firing, as the ship falling off, no gun would bear, and had no after sail to keep her to. All the rigging and sails cut to pieces; not a brace nor a bowline left. He hailed

and asked what ship this was? I told him. He then asked me if I had struck my colors? My answer was no, and asked what ship it was? As plainly as I could understand (he having shot some distance at this time), he answered, The United States frigate. He fired no more guns, but stood from us, giving no reason for his most extraordinary conduct.

At daylight in the morning, saw a ship to windward; when having made out well what we were, bore up and passed within hail, fully prepared for action. About 8 o'clock he hailed, and said, if I pleased, he would send a boat on board. I replied in the affirmative, and a boat accordingly came, with an officer and a message from Commodore Rodgers of the President of the United States, to say, that he lamented much the unfortunate affair (as he termed it) that had happened; and that had he known our force was so inferior he should not have fired at me. I asked his motive for having fired at all? His reply was, that "we fired the first gun at him;" which was positively not the case. I cautioned both the officers and men to be particularly careful, and not suffer any more than one man at the gun. Nor is it probable that a sloop of war within pistol shot of a large 44 gun frigate, should commence hostilities. He offered me every assistance I stood in need of, and submitted to me that I had better put into one of the ports of the United States, which I immediately declined.

By the manner in which he apologized, it appeared to me evident that had he fallen in with a British frigate, he would certainly have brought her to action. And what further confirms me in that opinion is, that his guns were not only loaded with round and grape shot, but with every scrap of iron that could possibly be collected.

I have to lament the loss of thirty-two men, killed and wounded, among whom is the master.

His Majesty's ship is much damaged in her masts, sails, rigging and hull: and as there are many shot through between wind and water, and many shots still remaining inside, and upper works all shot away, starboard pump also, I have judged proper to proceed to Halifax, which will I hope meet with your approbation.

I cannot speak in too high terms of the officers and men I have the honour to command, for their steady and active conduct throughout the whole of this business, who had much to do, as a gale of wind came on the second night after the action. I have to request, sir, that you will be pleased to recommend to the notice of my lords commissioners of the Admiralty my first lieutenant, Mr. John Molenly, who is, in every respect, a most excellent officer, and afforded me very great assistance in stopping the leaks, himself, in the gale, securing the masts and doing every thing in his power. It would be the greatest injustice was I not also to speak most highly of Lieutenant Lovell, second lieutenant, of Mr. M'Queen, master, who, as I have before stated, was wounded in the right arm, in nearly the middle of the action, Mr. Wilson,

master's mate ; indeed the conduct of every officer and man was so good that it is impossible for me to discriminate.

I beg leave to enclose a list of thirty-two men, killed and wounded ; most of them mortally, I fear.

I hope, sir, in this affair, I shall appear to have done my duty, and conducted myself as I ought to have done against so superior a force ; and that the honour of the British colors was well supported.

I have the honour to be, sir, with much respect, your most obedient humble servant,

A. B. BINGHAM, Capt.

To Herbert Sawyer, Esq.

*Rear-admiral of the red, commander in chief, &c. &c. &c.*



[We republish entire, for the instruction of our readers, the speeches of Mr. Perceval and Mr. Foster, the Chancellors of the English and Irish Exchequers, on the opening of the Budgets in the British Parliament, on the seventeenth of May last. They furnish the most ample and authentic information concerning the financial concerns of the United Kingdom. The statements of Mr. Perceval are of the highest importance, and of permanent value. The propriety of giving them a place in this work is too obvious to require a comment.]

## IMPERIAL PARLIAMENT.

HOUSE OF COMMONS, MAY 17, 1811.

### THE BUDGET.

*The House having resolved itself into a Committee of Ways and Means,*

*This Chancellor of the Exchequer rose to open the Budget for the present year. He began by observing, that having that morning concluded a contract, subject to the approbation of parliament, for the loan for the service of the present year, on terms which he trusted, under all the circumstances of the case, the committee would consider to be highly advantageous to the public, he should proceed to submit to them the details of that contract. But before he did this he conceived that it would be necessary for him to state, with as much clearness as he possibly could, the various sums which the house had already voted for the supply of the present year, and the ways and means to which in his judgment they ought to resort, for the purpose of meeting those sums. The supplies which had been voted were as follow:—*

### SUPPLIES, 1811.

Navy (exclusive of Ordnance Sea Service)	£.20,276,144
Army (including Barracks and Commissariat)	£.14,209,422
Ditto, Ireland	3,233,421
Extraordinaries { England 3,000,000 } { Ireland 200,000 }	3,200,000
Unprovided ditto last year	627,098
Ordnance	-
Miscellaneous, including 400,000 <i>l</i> .	-
Irish permanent Grants	2,050,000
Vote of Credit { England - } { Ireland - }	3,000,000 200,000
	<hr/> 3,200,000
Sicily	400,000
Portugal	2,100,000
	<hr/>
Joint Charge	54,308,458

Brought forward	£54,308,453
SEPARATE CHARGES.	
Loyalty Loan	113,416
Interest on Exchequer Bills	1,600,000
	<hr/> 1,713,416
Total Supplies	56,021,869
Irish proportion	<hr/> 6,569,000
	<hr/> 49,452,869
Irish Proportion of 54,308,453 <i>l.</i>	6,389,000
Ditto Civil List and other Charges	180,000
	<hr/> 6,569,000

With respect to the Sicilian subsidy, he had to intreat the indulgence of the committee for a great inattention on his part, namely, in having omitted to lay before parliament the last treaty with Sicily, on which the vote was founded. He had erroneously apprehended that the treaty was already on the table of the house, and it was but three or four days ago that he discovered his mistake. Tomorrow, however, or the next day at farthest, he would take care to present it to the house, and he hoped they would accept that apology for his omission hitherto to do so. He would proceed to state the various articles of ways and means, by which he proposed to meet the 49,452,869*l.* of supply to be provided by England.

#### WAYS AND MEANS, 1811.

Annual Duties	£3,000,000
Surplus Consolidated Fund, 1810	1,353,715
Ditto Ditto 1811	5,000,000
War Taxes	20,000,000
Lottery	300,000
Exchequer Bills	4,000,000
Vote of Credit	3,000,000
Loan { in 5 per Cent. Stock	4,981,300
{ in 3 and 4 per Cents.	7,500,000
	<hr/> 12,481,300
Naval Stores	420,364

49,555,379

It thus appeared that the total of ways and means exceeded the total of the supply in the sum of 102,510*l.* The committee would however, expect that he would enter into an explanation of the grounds on which he calculated the surplus of the consolidated fund of the present year, at the sum of 5,000,000*l.* To do this, it would be necessary for him to detail the produce at which he estimated the various articles that went to the constitution of that fund.

He took the customs at 5,131,000*l.*; being the average of the produce of the two last years. He had taken a similar average last year, being then 4,485,333*l.* but in fact the customs had produced 4,987,391*l.*; being about 500,000*l.* beyond the calculation. So with the excise, he proposed to take it on the average of the produce of the

similar average last year, being then 16,880,625*l.*; but the excise had produced 17,399,312*l.* This mode of calculation afforded him a fair scheme of estimate; for although the customs for 1811 fell short by about 200,000*l.* of the customs of 1810, yet the excise for 1810 was surpassed by that of 1811 to a similar amount, the excess of the one balancing the deficiency of the other. The produce of the assessed taxes he had last year estimated at 5,860,000*l.*; they had actually produced 5,781,631*l.* and he would take them for the present year at 5,800,000*l.* The stamp duties he had last year estimated at 5,193,000*l.*; they had actually produced 5,302,743*l.* The great increase in these duties during the last year completely justified him in the statement which he had at that period made, that the whole charge of the year might be defrayed out of their excess. To this statement, however, he had added the observation that it was not probable the same excess would exist in the succeeding year. He should therefore take the amount of the stamps for the present year only at 5,300,000*l.* The post office revenue was estimated by him last year at 1,194,000*l.*; the actual produce was 1,276,000*l.* and he proposed to take it for the present year at 1,280,000*l.* He could not pass over this particular article without directing the attention of the committee to the great increase that had taken place during the last two or three years in the receipts at the post office. In 1809, the post office had produced 1,083,000*l.*; in 1810, 1,194,000*l.*; and in 1811, 1,276,000*l.*; being an increase on the average of about 90,000*l.* a year, and that not from any additional duties on postage, but simply from the augmented commercial communication of the country. It was clear, therefore, that by taking the amount for the present year only, at 1,280,000*l.* an opportunity was afforded to parliament, if they should think it wise and expedient to avail themselves of it, to relieve Scotland, and other distant parts of the empire, without the danger of any diminution of the estimated revenue. The hawkers and pedlars, and sundry small branches of the revenue, he would take at 106,000*l.*; personal estates and pensions at 156,000*l.*; the land tax at 1,038,000*l.*; the surplus exchequer fees at 54,000*l.*; the tonnage at 24,000*l.*; the crown lands, &c. at 66,000*l.*; and the imprest moneys at 200,000*l.* making the total of the estimated receipt of the existing permanent taxes for the present year, 36,322,000*l.*—To this must be added 2,240,000*l.*; being the amount of the war taxes appropriated to the consolidated fund; and the grand total would be 38,562,000*l.*; which being deducted from 38,562,000*l.* the estimated produce of the consolidated fund, would leave a balance of 5,649,000*l.* He would, however, take the surplus only at 5,000,000*l.* and would presently account for the disposal of the balance. With the exception of last year, when the surplus of the consolidated fund was 5,753,715*l.*; of the preceding year, when (from peculiar circumstances) it amounted to 7,019,774*l.*; and of the year 1803, when it was 5,936,651*l.* that surplus had at no period exceeded, or even reached 5,000,000*l.* This was a highly satisfactory circumstance, in contemplating the state of the finances of the country.



tion, was the amount of the estimate for the war taxes for the year ending the 5th of April, 1812. This estimate was 20,384,000*l.* The grounds on which he calculated he would state as briefly as possible: The average produce of the custom and excise war duties for the last three years, was 9,290,805*l.* The produce of the last year was 9,727,213*l.*; but he thought it better to take the average of the three last years. Four hundred thousand pounds remained due from the East India Company. These sums, added together, made 9,696,805*l.* The net produce of the assessment of the property tax for the year ending April 5, 1811, was estimated at 11,800,000*l.* This was 400,000*l.* more than the sum calculated upon as the probable produce, though less than the produce of the preceding year, on account of the great amount of arrears received in that year. The amount of the outstanding arrears of the property tax from 1804 to 1810, was 2,246,644*l.* Of this sum, it was expected that a part would be returned by schedules, and part might not be recoverable; he would suppose one fourth, or 560,000*l.* Deducting this, the amount, therefore, of outstanding arrears that might be expected to be received, was 1,686,644*l.* Of the estimated produce of the duty for the year ending the 5th of April, 1811 (namely, 11,800,000*l.*), 4,864,267*l.* had been received. 6,935,732*l.* therefore remained to be received. This added to the 1,686,644*l.* expected to be received of the arrears of former years, made 8,622,000*l.*; which, with the estimated net produce of the assessment of the present year, which he would take at the same as the last, namely, 11,800,000*l.* gave 20,422,000*l.* From this, however, must be deducted the sum of 7,524,000*l.* remaining to complete the grant of 1810, leaving a balance of 12,898,000*l.* to be received on account of the property tax. Let this be added to the estimate of the war taxes, 9,696,805*l.* and the result would be 22,594,805*l.* There were war taxes, however, to the amount of 2,240,000*l.* already pledged for the interest of the debt, and which must therefore be deducted, leaving the balance to be received 20,354,805*l.* He would, however, take it at 20,000,000*l.*

He now came to the consideration of the loan, and of the ways and means in aid of the revenue to meet the expenses of the year. He had already explained to the committee the state of the loan made in the 5 per cent. stock, and the exchequer bills funded in the present session. These amounted altogether to 12,000,000*l.* by which a capital was created in the 5 per centum stock of 12,444,711*l.* The interest on this capital was 622,235*l.* The sinking fund 124,447*l.* The charges of management 3,733*l.* making a total of 750,416*l.* to be annually provided for, for the loan in the 5 per cent. By the loan of 7,500,000*l.* for which he had that morning contracted, a total charge would be incurred of 465,403*l.* 10*s.* The capital created was 7,500,000*l.* in the three per cents. reduced; 1,500,000*l.* in the consols.; 1,500,000*l.* in the 4 per cents. For each 100*l.* subscribed, the subscribers were to have half 100*l.* in the 3 per cents. reduced, 20*l.* in the consols., 20*l.* in the 4 per cents., and 6*s.* and 11*d.* in the long annuities. By calculation made on the price of stocks on the Saturday before, it appeared that the 100*l.* in the 3

per cent. reduced, which was on that day 64 $\frac{1}{4}$ th, was equal to 64*l.* 2*s.* 6*d.* That the twenty pound in the consols., which were at 65 $\frac{1}{4}$ th was equal to 13*l.* 0*s.* 6*d.*, and the 20*l.*  $\frac{4}{5}$  per cent. which was at 80 $\frac{1}{4}$ th equal to 16*l.* 0*s.* 6*d.* These sums amounted to 93*l.* 3*s.* 6*d.*; and if to this were added the value of the 6*s.* 11*d.* long annuities, namely, 6*l.* 17*s.* 10*d.* the whole would be found to amount to 90*l.* 1*s.* 4*d.* There was a discount, however, of 3 per cent. on the payment of nine months, amounting to 2*l.* 6*s.* 6*d.* and there would, therefore, be a bonus of 1*l.* 1*s.* 10*d.* on every hundred pounds subscribed. He apprehended that a more favourable loan to the public than the present could hardly have been expected; and he had the satisfaction to state to the house that he understood that it was already at a premium of 1*l.* 10*s.* per cent. It had been contracted also with the expectation that the funds were in such a state as to afford every reasonable hope of an improvement, rather than of a diminution of the advantages to the subscribers.

The amount of the interest on this last loan would be 355,937*l.* 10*s.*; of the sinking fund 106,112*l.*; of the charges of management, 3,344*l.* making a total of 465,403*l.* 10*s.*, which, added to the total of the other loan, made the grand total of charge on the two loans, 1,215,819*l.* The rate per centum, including all charges paid by the public was, on the 7,500,000*l.* loan, 6*l.* 4*s.* 1*d.*; on the 12,000,000*l.* funded, 6*l.* 5*s.* 0 $\frac{1}{2}$ *d.* The rate of interest to the subscribers on the 3 per cent. loan, was 4*l.* 14*s.* 11*d.* per cent.; on the 5 per cent. loan, 5*l.* 3*s.* 8 $\frac{1}{2}$ *d.* per cent. The difference on the charges being not quite one shilling per cent. and which difference was attributable to the sinking fund. The rate per cent. on the whole debt created, paid by the public, was 6*l.* 4*s.* 8 $\frac{1}{2}$ *d.* It was a great satisfaction to him to state that so large a portion of the loan of the year had been funded in the 5 per cents. For on a comparison of the 3 per cents. at present, with the 3 per cents. of last year; and of the 5 per cents. at present, with the 5 per cents. of last year, the committee would be surprised to observe, how little disadvantageous the bargain in the 5 per cents. had been, as compared with that in the three; the 5 per cents. having been much more stationary and not proportionably depressed. When last year 8,500,000*l.* only was funded in the 5 per cents. instead of 12,000,000*l.* as in the recent instance, the expence created was 6*l.* 4*s.* 7 $\frac{1}{2}$ *d.* per cent. In the recent instance the expence created was 6*l.* 5*s.* 0 $\frac{1}{2}$ *d.* per cent., making a difference of only fivepence halfpenny per cent. between the two charges. The difference in the 3 per cents. in the two years was much greater. Last year the expence was 5*l.* 13*s.* 3*d.* per cent.; this year the expence was 6*l.* 4*s.* 1*d.* Last year the interest was 4*l.* 4*s.* 2*d.* per cent.; this year it was 4*l.* 14*s.* 11*d.*, making a difference of above 10*s.* per cent. This was to him a satisfactory reflection, as he had so pertinaciously persisted in procuring the whole of the 12,000,000*l.* to be funded in the five per cents.

Having thus stated that the whole of the charges created by both loans was 1,215,819*l.* he should next submit to the committee the mode by which he proposed to meet these charges. Before he did this he must add, that it was his intention to recommend a

repeal of the duty on hats, which ever since he came into office, had continued to decrease in amount. When the tax was first levied it produced 60 or 70,000*l*. He did not suppose that fewer hats were worn than formerly; but the fact was, that the produce of the duty last year was only 29,332*l*. It had been gradually diminishing. In 1808 it was 38,000*l*.; in 1809, 33,000*l*.; in 1810, 31,000*l*.; and in 1811, as he had already stated, on 29,325*l*. This was a rapidly decreasing ratio. He was aware, therefore, that in giving up the duty he did not give up much, for it was gradually wearing itself out. It was the cause of great vexation and trouble to the persons carrying on the trade of hat dealers, and particularly to those who dealt on fair terms, over whom the dealer who was disposed to second the fraudulent wishes of his customers, by omitting the stamp, and a very unmerited advantage. The committee was aware that a similar duty on gloves had formerly been abandoned. Before he came to the resolution of proposing the repeal of the duty on hats, he had seriously considered whether it might not be collected in some other manner; but after a good deal of deliberation, he was persuaded that no mode could be adopted which would not be so inconvenient to the trade and to the public, as to render it highly unadvisable. He begged leave to observe, that if in consequence of the repeal of this tax, it should happen that any persons might be led to imagine, that although the duties on gloves and hats were abandoned, it might be expedient to impose others on coats, waistcoats, shoes, or leather breeches, and in consequence to suggest such new duties to government, it might be a great relief both to those persons who were so kindly ready to furnish the chancellor of the exchequer with the ways and means of the year, and to that individual himself to state that he did not consider it expedient to tax articles of dress. This notice would not appear superfluous to the committee, if they were aware how many letters he was constantly receiving, in which not only every habiliment which could be named, but even the bolts, handles, latches, and other appendages of doors and windows, were recommended by well intentioned persons as fit objects of taxation.

He came now to that part of his duty which was always considered as the most irksome and unpleasant; but on the present occasion he had the highest satisfaction in stating to the committee, that they had already in the course of the session voted taxes to an amount greater than that which was requisite to meet the burthens of the year; and therefore that he should not propose to lay on a single new tax. The fact, indeed, was, that the sum voted was much larger than was wanted. Of these new duties which had been imposed, the principal was that on spirits; the nature of which had already been sufficiently explained, which had received the sanction of the committee, and the bill to impose which was in a state of great forwardness. The probable amount on British spirits from the most accurate estimate that he could obtain would be 700,000*l*. The produce of the duty on British spirits in the year ending 5th April, 1811, was 2,505,448*l*. to which, if the committee added the amount of duty du from the customs in Scotland, and

unpaid for the same year, viz. 360,000*l.* it would make 2,805,440*l.* Upon this the additional duty of 19*l.* 4*s.* 7*d.* per cent. would amount to 551,000*l.* The additional duty of 12½ per cent. upon the present excise duties on foreign spirits (exclusive of rum) which produced 1,580,000*l.* in the last year, he would state at 200,000*l.* although he did not expect that it would produce so much. There were other taxes, which, although imposed last year, did not begin to operate till the present. Double the amount of the present duty on timber, on the average of the two last years, would be 622,000*l.* An additional 1*d.* per lb. had been voted by the committee on all cotton wool brought from the American states, and other parts (inclusive of British and Portuguese colonies), being, on an average of the last six years, 35,304,000 lbs. and amounting to 147,100*l.* On pearl and pot ashes imported, except from the British colonies, a duty had been imposed of 4*s.* 8*d.* per cwt. On the average of the last six years, the quantity imported annually was 111,000 cwt. making the sum of 25,900*l.* The duty on foreign linen, in proportion to the quarter ending 5th January, 1811, (when the duty first had full effect) would amount to 71,600*l.*—These various sums, added together, would give 1,617,600*l.* The committee would, however, be aware that these duties were of course subject to such diminution as might be occasioned by the discouragement of the articles on which they were imposed, as they were intended to produce. This diminution would probably not be very considerable for some period: but he had no doubt, and, indeed, sincerely trusted, that they would ultimately be very much diminished, as in proportion to that diminution would the encouragement to English articles increase. These duties he proposed to go in accumulation of the war taxes, and he conceived, that in giving 866,600*l.* to the war taxes he should not be unjustifiable in taking from them 465,403*l.* which sum, added to the produce of the two duties on spirits, viz. 751,000*l.* would give him the 1,215,819*l.* which he required. Then, however, there would be a balance of 300,000*l.* of the war taxes unappropriated and applicable to the ways and means of the year; and also 600,000*l.* of surplus of the consolidated fund. The committee must recollect, that these new taxes had been voted at an advanced period of the year, one quarter having nearly elapsed, and a consequent deficiency of one-fourth ensuing; it would therefore be expedient to meet this deficiency out of the surplus of the consolidated fund, and 250,000*l.* must be deducted from the 600,000*l.* on that account.

He had now to submit to the committee a very important consideration, to which he should call their most serious attention. As soon as the present subject was finished, his right honourable friend (Mr. Foster) would proceed to lay before them the situation of the finances of Ireland. His right honourable friend would have to state that he had borrowed for the service of Ireland 2,500,000*l.* in that country, and that he had borrowed 4,500,000*l.* in England for the same service. To meet the expences of the loan raised in Ireland, his right honourable friend was ready to propose the necessary

taxes : but he (the chancellor of the exchequer) had no hesitation in saying that he trusted the committee would agree with him in thinking that, in the present distressed state of the Irish finances, it would not be wise or expedient to call on his right honourable friend to lay taxes on that country for the purpose of meeting the expences of the loan of 4,500,000*l.* raised in England. It was therefore his intention to propose to the English members and to the Irish members of the house of commons, that the expences of that part of the loan raised for the service of Ireland should be charged on the consolidated fund of England (as a loan to Ireland), in order to procure the public creditor a permanent security, and for at least a twelvemonth, while an inquiry was making into the finances of that country to bear the interest of the money so raised. He trusted that the committee would be of opinion, whatever might be the issue of that inquiry, that it would be advisable to come forward in the way which he recommended, and out of the comparative affluence of the English finances, to afford aid to Ireland in that, the hour of its particular embarrassment. With a view of furnishing the committee with the means by which this great good could be effected to Ireland, without any inconvenience to this country, he had forborne to take more than 5,000,000*l.* from the surplus of the consolidated fund, leaving a sufficient sum to meet the proposed charge. Though this was a novel proposition, he was persuaded it would be received without grudging, or any indisposition on the part of the committee, to afford to Ireland that assistance which he had shown could be afforded to her, without any material inconvenience to Great Britain. He repeated that the inconvenience would be immaterial; for, what was the nature of the additional taxes by which the surplus of the consolidated fund would be so much increased as to enable the committee to do that which he recommended? The duty on British spirits had been founded on a principle which had over and over again been recognised by the committee as just. After the experience of last year, namely, having found that spirits had continued to be sold at the increased price to which they were raised when distilled from sugar, there were no reasons to suppose there would be any diminution in the consumption of the article from the very small advance on the price which the present duty could be expected to occasion. With respect to the other duties, they were all recommended to the committee, on views very different from those connected with finance. They were proposed expressly for the purposes of endeavouring to procure for British shipping those imports, which the war in which the country was engaged, necessarily limited (and which were now enjoyed by foreigners); and of encouraging the exertions of British manufactures, and the consumption of British colonial produce. Policy would have dictated these measures without any reference whatever to their beneficial tendency with respect to finance. He was therefore justified in saying that Ireland might be assisted without prejudice to Great Britain, and he trusted that the assistance would be received in Ireland as it would be given by this

country; namely, as affording a mark of our disposition to lend every possible aid to Ireland under the embarrassing circumstances in which she was placed, and as tending to enforce the necessity and policy of either country stepping to the support of the other, when the one was able to give, and the other so situated as to require assistance.

He believed that he had now stated, as fully and distinctly as he had it in his power to do, all the considerations immediately connected with the subject before the committee. He trusted that he had not omitted any necessary explanation; but before he sat down, he wished to mention a few circumstances, in order to show the general increase of the revenues, and the affluence of the country. For this purpose he begged the attention of the committee to the increasing produce of the customs and excise, during the last five years. In the year ending the 5th of April 1807, the produce of the customs was 9,612,000*l.*; in 1808, 9,123,612*l.*; in 1809, 8,568,258*l.*; in 1810, 10,536,775*l.*, and in 1811, 10,523,169*l.* being an increase of near a million since the year 1807. The produce of the excise in the year ending 5th April, 1807, was 23,740,518*l.*; in 1811, 21,646,022*l.* In the intermediate years the advance was gradual, with the exception of 1809, in which year there was a considerable falling off, the produce being only, 22,837,856*l.* In the two succeeding years, however, this depression was completely recovered. An inquiry into other articles of general consumption, would contribute to show the increasing opulence of the nation. The produce of the duties on cotton wool imported into the country in 1807, was 513,526*l.*; the produce in the year 1811, was 1,034,142*l.* The duties on deals and fir-timber imported in 1807 were 566,247*l.* In 1811 they amounted to 642,104*l.* The excise duties on tea in 1807 were 2,844,395*l.* In 1811 they amounted to 3,238,027*l.* This last was a more extraordinary increase, as the article was under most heavy taxation, and as the increase took place after the operation, from which so much mischief was anticipated, of the reduced duty on coffee. All this could be accounted for only by the general augmentation of wealth in the country. Of this increasing wealth a most striking instance was afforded in the consumption of wine. In 1785 the quantity of wine consumed was 14,550 tons; in 1786, 15,087 tons; in 1787, 14,780 tons; making the average of the three years an annual consumption of 14,800 tons. At that period the average price of port wine was 70*l.* 11*s.* 10*d.* per pipe. In 1807, the quantity of wine consumed was 24,090 tons; in 1808, 24,757 tons; in 1809, 22,331 tons; the average of these three years being an annual consumption of 23,726 tons. At the former period the duty was 30*l.* per ton; at the latter 95*l.* The average price at the latter period 192*l.* 14*s.* per pipe: so that under both the increase of duty and the increase of price the consumption had increased. He could hardly adduce a more striking instance of general prosperity. The average consumption of tallow, for the three years ending in 1787, was 210,174 cwt. The average for the three years, ending in 1809, was 347,870 cwt. The price at the former period

was 2*l.* 8*s.* 8*d.* per cwt.; at the latter period, 4*l.* 11*s.* being one-third more. Nor did this increase in the consumption of tallow arise from any decrease in the consumption of oil. The average consumption of oil for the three years, ending in 1787, was 9,730 tons; the average consumption of the three years, ending in 1809, was 19,126 tons. The price at the former period was 19*l.* 18*s.* 9*d.* per ton; at the latter period 32*l.* 9*s.* The average quantity of tobacco annually imported for the three years, ending in 1787, was 6,553,000*lb.* The annual average for the three years ending in 1809, was 12,491,000*lb.* The price at the former period was 8*d.* a pound; at the latter 1*s.* 7*d.* He was aware that these details were very tedious, but he had the consolation of knowing that they were at the same time very satisfactory, as they afforded the most convincing evidence of the gradual but great increase of the riches of the country.

### IRISH BUDGET.

Mr. Foster said, he should not occupy the time of the committee to any great length, but would proceed directly to the subject of the ways and means for Ireland. The interest of the debt was 4,279,000*l.*, and the estimated vote of the present year 6,569,000*l.*; making together 13,406,697*l.* Ireland had been deficient in the last year, 1,866,000*l.*, making in Irish money, 2,011,000*l.* The surplus of the consolidated fund for the last year was, 740,000*l.*, the revenue of the year was 4,500,000*l.*, a loan had been negotiated at 2,500,000*l.* An act had been passed for raising 1,000,000*l.* by treasury bills, and 4,500,000*l.* was raised in Great Britain, making in the whole 13,615,713*l.*, which left 200,000*l.* beyond the supply. He then proceeded to state the ways and means for meeting the interest of these sums. It was not his intention, as his right honourable friend had already stated, to raise taxes in Ireland, under the present circumstances of that country, to the whole amount. The measure by which he was relieved from that necessity was a proof not only of great liberality, but of great wisdom; and as Ireland was a country of ample resources, they might look forward to a future period when she would be able to discharge the obligation. The taxes he should propose were not many; he had laid down one principle, which, as often as it could with convenience be resorted to, he was desirous to adopt, and that was the equalization of the taxes in Ireland with those of England in the correspondent articles. There was one article, which had always been a subject of taxation in Ireland, ever since a tax was known there, he meant tobacco; the tax at present was less in that country than in Great Britain, and he should propose to make it equal. The produce of this he estimated at 221,000*l.* The next tax was on hemp, which he intended to increase also up to the British standard. This would give a sum of 8,000*l.*, and both together would make 229,000*l.* Of this sum 150,000*l.* would meet the charge upon the 2,500,000*l.* loan, at six per cent, and 50,000*l.* the interest upon the 1,600,000*l.* treasury bills at five per cent, leaving a surplus of 79,000*l.* There were two other taxes he should propose, without

relying on them much, as he did not conceive they were likely to produce any important addition of revenue. The first was, to place the duty on timber imported from the United States of America on the same footing with that imported from other foreign countries. The United States were now on the same footing with our own colonies. There was one article, however, which came under the head of timber, on which he thought it advisable to reduce the tax: the article of staves being so necessary to our export trade, and being capable of being supplied from our own colonies, he should in a great measure relieve them from the duty which, in the other case, he proposed to equalize with that of England. The next was a duty on cotton wool imported in foreign ships, which he would also desire to raise to the standard of England. At present the duty in England on cotton wool imported in foreign ships, was 1*l.* 5*s.* 6*d.* in the hundred weight, and in British ships, 16*s.* 10*d.*; in Ireland it was much less, and the consequence of this difference was, that cotton wool brought to any of the ports of Ireland in foreign ships was put into British ships and sent to England, and the law by that means evaded. These were all the duties he should propose; and he would follow the example of his right honourable friend, in removing the duty upon hats in Ireland. He would be sorry to sit down, after the various reports that had gone abroad respecting the situation of the sister kingdom, if he did not endeavour to correct some misrepresentations as to the state of its prosperity. For this purpose he had procured an account of the imports and exports, which would put the subject in a clearer light. From these it appeared, that before the year 1802, the exports had never been known to rise above 7,000,000*l.*; in 1808 they advanced to 10,000,000*l.*, but in 1809 they failed; again, in 1810 they rose to 16,711,000*l.*, and upon an average of the last three years, they were upwards of 10,000,000*l.* annually. The foreign goods exported previous to 1802 had never exceeded 370,000*l.*, but since that period the amount was progressively decreasing, until, in 1810, it advanced to 840,000*l.*, and in 1811, to 920,000*l.* Upon the whole, the balance of trade was in our favour from the year 1802, and in the last year amounted to 2,189,000*l.* The exchange had been steady for the last four or five years. If he were to go more at large into the situation of Ireland, he should state the increase of her tillage, which was so far improved that she had never exported so much corn as in the last two years. The linen trade was declining every where, but less there than any where else. The provision trade had rather fallen off, but there were quantities which went abroad and were distributed among the fleet, which never appeared in the books; so that they should not be too hasty to condemn it as unsuccessful, from the accounts that appeared. Live cattle had been exported in great quantities, insomuch that it had risen from 5000*l.* to 39,000*l.* or something near it. After the liberal reception which the proposal of his right honourable friend had met from the committee, he



should merely content himself with expressing his consciousness of the liberality of their conduct, and at the same time of declaring his conviction that it would be received and remembered with gratitude by every Irishman. Whether they looked to the grants which had been agreed to for the promotion of her agriculture, her manufactures, her education, or her trade, they must regard with satisfaction the liberality of the united parliament. The warehousing system had been extended largely to her; lighthouses had been erected upon her coast; in short, he did not know the single object, whether the improvements of morals, or the encouragement of manufactures, or the diffusion of education, that did not find a prompt and ready acquiescence; and now that her circumstances were relieved by this last act of liberality, he trusted that it would be warmly acknowledged and amply felt.

Sir John Newport said, it had often fallen to his lot from time to time, to call the attention of the house to the growth of the Irish debt, and the inaccurate manner of arranging the rate of contribution at the time of the union. He was willing to make every acknowledgment to the liberality of the united parliament for its present inclination to assist Ireland to pay off a debt which it was impossible that she could pay herself. He admitted too, that Ireland had improved since the union, but did not think it followed that she would not have improved with greater rapidity if the union had never taken place; she had not carried in her improvement a capacity for taxation. In order to accomplish that, it would be necessary to circulate wealth among the middle orders of society, and inspire them with a relish for those comforts to which they were not at present sufficiently inclined; the present generation in all probability would not live to see that change, but until such changes were wrought, he should disapprove of extending the taxation of Ireland. There was a portion of the property tax, which most unjustly, as he thought, was directed from the Irish exchequer to England. This ought to belong to Ireland alone, and if it had been allotted to her, and appropriated to the discharge of her necessities, she would not now be obliged to call for relief. The revenues of Ireland had made no progress adequate to the debt; and it was a fact, of which the right honourable gentleman could not be ignorant, that as soon as any tax was attempted to be increased upon tobacco, wines, or teas, the consumption of those articles fell off, and the produce, instead of advancing, fell back. As to the statement that much of the provisions intended for the consumption of the navy did not appear in the account, it was certainly true; but it was equally true at the present moment it never appeared in the books. As to the grants for education, he knew of no such thing. A commission had certainly been appointed at his (Sir J. Newport's) instigation, to inquire into the state of the different schools; but no grant had yet been made in furtherance of any plan, and he hoped that no religious distinctions would be made in the final proceedings to which that

commission might lead; he would state positively, that none was intended by those who first suggested its appointment. As to the fact of the merchants being relieved from fees, it was undoubtedly true; but if he was rightly informed, they would rather pay their former fees than experience the inconvenience to which they were exposed in consequence of the present regulation. The building of the light-houses was an expence defrayed by Ireland herself; and, therefore, would scarcely be selected as an instance of the liberality of Great Britain. No instance has occurred for the last three years, in which her separate charge amounted to within 1,000,000*l.* of the joint charge: this was one of the effects of the rate and quota of contribution adjusted at the union, which so long as it was acted upon would render the payment of the debt impossible, notwithstanding the promise given at the time, that the consequence of the union would be to diminish the expenditure by 1,000,000*l.* in time of war, and by 500,000*l.* in time of peace. The right honourable gentleman had taken the revenue last year at 4,500,000*l.*, but it had produced only 3,700,000*l.* and yet he persisted this year in taking it at the same rate. Why should he go on with this fallacy? Would it not be better for parliament to know, and to meet the evil day? With regard to the taxes proposed, if he (Sir John Newport) were to select any one article upon which he would be most unwilling to increase the duty, that article would be tobacco. All former attempts to increase the revenue from it, had been unfortunate; and he was not sure but that lessening the duty would have been a better way to improve the produce. If Ireland had gone sufficiently into the culture of hemp to supply the consumption, he would readily have agreed to the tax proposed; but as that was not the case, the committee would do well to pause before they adopted it. Of the taxes on cotton wool; and American timber, he should only say what applied equally to the British taxes, that he deprecated every thing which looked like commencing a war of duties with America. We had considerable connexions with her, which, he hoped, would long continue. With respect to the staves, he understood that the duty on those from British America was to be taken off, but not on those from the United States; and here again the right honourable gentleman should be sure that he would get a sufficient supply from British America.

Lord Castlereagh said, as reference had been made to a speech of his at the time of the union, he would trouble the committee with a few words. The right honourable baronet had represented him as having said that the union would make a saving of 1,000,000*l.* in time of war, and 500,000*l.* in time of peace; but he should have gone on and stated all he should have stated, that that was not a prophecy, but a mere fact, as it appeared upon the accounts before the house for the three preceding years. He denied that the criterion adopted then was an unjust one, or proved to have been so by any thing that had since happened; on the contrary, the impression was, that it was most liberal, and the right honourable baronet had said nothing that could invalidate the general proposition. If

never was pretended that Ireland could exist in union with England at the rate of her own internal expences; but what would her situation have been if in addition to her own expenditure, she had to defray the imperial charge which the opponents of that measure were willing to subscribe to? He was sure the best course that could be pursued, was to make Ireland a rich country, and to treat her with liberality; and from the present assistance and disposition of parliament towards her, he augured favourably of any future arrangement.

Mr. *Fitzgerald* was surprized to hear the right honourable baronet talk of the oppression of taxes, at a time when the proposal from England was to take part of the debt upon herself. He maintained that the imports and exports had increased, and denied that Ireland was treated with indifference by the government. He defended his right honourable friend, for adverting to the advantages derived by Ireland from the government, and more particularly that of an enlarged system of public education.

Sir *John Newport* said a few words in reply.

Mr. *Grattan* cautioned the committee against continuing the cause of the weakness of Ireland, by anticipating her prosperity. He declined going very minutely into the state of the linen trade, but thought it was an answer to the enthusiastic accounts of the prosperity of that country. As to the provision trade, the articles were such as sold themselves; there was scarcely any species of misgovernment which could repress it. He thought the trade of Ireland would come on better under a parliament, but he thought it would come on now if it was not oppressed by taxes.

The *Chancellor* of the *Exchequer* did not consider Ireland to be in a state of bankruptcy, notwithstanding the opinion which some gentlemen entertained on the subject. There were circumstances which had arisen that year that led to the embarrassment of the finances of that country, and which would render it imprudent to burthen her with any great weight of additional taxation. The resources, however, were abundant, and would ultimately meet the exigencies of the year. Gentlemen had taken a wrong view of the revenue, occasioned, perhaps, by the apparent diminution in her exports; but that, it would be seen upon reference, was to be placed to the account of the increasing consumption for the raw material in the army and navy. The deficit in the custom duties was small, compared with the increase in the export of live articles. The means of estimating the real wealth of the country was generally from the productions of the soil, either in the raw materials or in the agriculture, and then it would be seen that every where exhibited her growing prosperity.

Mr. *Hutchinson* denied that the export of raw materials was to be taken as a proof of the general prosperity of the country. He objected to the mode of taxation adopted by the right honourable gentleman, which he considered bore hard on those persons least able to bear it, and thought the right honourable gentleman should have selected other objects. There were two objections to the tax

on timber. In the first place it would have the effect of raising the price of Irish timber; and secondly, it would in effect be the declaration of hostility against America: at this time much to be regretted. He paid his tribute of applause to the right honourable gentleman (Mr. Perceval), for the assistance which he had rendered to Ireland on the present occasion, which he took as the commencement of further benefits, which would ultimately be beneficial to the empire at large by conciliating that country. At the same time he could not avoid observing, that the ministers ever since the union were totally pledged to Ireland, they had entered into a compact to protect that country, which compact had invariably been broken.

Mr. *Foster* assured the honourable gentleman that he never had said that the export of live cattle was advantageous to Ireland. He was disposed to withdraw any of his taxes if the honourable gentleman would substitute better in their stead.

After some observations in explanation from Sir *J. Newport*, Mr. *Shaw*, and Mr. *Foster*, the resolutions were severally read and agreed to. The house resumed, and the report was ordered to be received to-morrow,



## APPENDIX.

### STATE PAPERS.

*Message from the President of the United States to both Houses of Congress, at the commencement of the first Session of the Twelfth Congress.*

Fellow Citizens of the Senate  
and of the House of Representatives.

**I**N calling you together, sooner than a separation from your homes would otherwise have been required, I yielded to considerations drawn from the posture of our foreign affairs; and in fixing the present, for the time of your meeting, regard was had to the probability of further developments of the policy of the belligerent powers towards this country, which might the more unite the national councils, in the measures to be pursued.

At the close of the last session of Congress, it was hoped; that the successive confirmations of the extinction of the French decrees, so far as they violated our neutral commerce, would have induced the government of Great Britain to repeal its orders in council; and thereby authorize a removal of the existing obstructions to her commerce with the United States.

Instead of this reasonable step towards satisfaction and friendship between the two nations, the orders were, at a moment when least to have been expected, put into more rigorous execution; and it was communicated through the British envoy just arrived, that, whilst the revocation of the edicts of France, as officially made known to the British government, was denied to have taken place; it was an indispensable condition of the repeal of the British orders, that commerce should be restored to a footing that would admit the productions and manufactures of Great Britain, when owned by neutrals, into markets shut against them by her enemy: the United States being given to understand that, in the mean time, a continuance of their non-importation act would lead to measures of retaliation.

At a later date, it has indeed appeared, that a communication to the British government, of fresh evidence of the repeal of the French

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decrees against our neutral trade, was followed by an intimation, that it had been transmitted to the British plenipotentiary here, in order that it might receive full consideration in the depending discussions. This communication appears not to have been received: But the transmission of it hither, instead of founding on it an actual repeal of the orders, or assurances that the repeal would ensue, will not permit us to rely on any effective change in the British cabinet. To be ready to meet with cordially satisfactory proofs of such a change, and to proceed, in the mean time, in adapting our measures to the views which have been disclosed through that minister, will best consult our whole duty.

In the unfriendly spirit of those disclosures, indemnity and redress for other wrongs, have continued to be withheld; and our coasts, and the mouths of our harbours, have again witnessed scenes, not less derogatory to the dearest of our national rights, than vexatious to the regular course of our trade.

Among the occurrences produced by the conduct of British ships of war hovering on our coasts, was an encounter between one of them, and the American frigate, commanded by Captain Rodgers, rendered unavoidable on the part of the latter, by a fire, commenced without cause, by the former; whose commander is, therefore, alone chargeable with the blood unfortunately shed in maintaining the honour of the American flag. The proceedings of a court of inquiry, requested by Captain Rodgers, are communicated; together with the correspondence relating to the occurrence, between the secretary of state and his Britannic majesty's envoy. To these are added, the several correspondences which have passed on the subject of the British orders in council; and to both, the correspondence relating to the Floridas, in which Congress will be made acquainted with the interposition which the government of Great Britain has thought proper to make against the proceedings of the United States.

The justice and fairness which have been evinced on the part of the United States, towards France, both before and since the revocation of her decrees, authorized an expectation that her government would have followed up that measure, by all such others as were due to our reasonable claims, as well as dictated by its amicable professions. No proof, however, is yet given, of an intention to repair the other wrongs done to the United States; and particularly to restore the great amount of American property seized and condemned under the edicts, which, though not affecting our neutral relations, and therefore not entering into questions between the United States and other belligerents, were nevertheless founded in such unjust principles, that the reparation ought to have been prompt and ample.

In addition to this, and other demands of strict right, on that nation, the United States have much reason to be dissatisfied with the rigorous and unexpected restrictions, to which their trade with the French dominions has been subjected; and which, if not dis-

continued, will require at least corresponding restrictions on importations from France into the United States.

On all those subjects, our minister plenipotentiary, lately sent to Paris, has carried with him the necessary instructions; the result of which will be communicated to you, and by ascertaining the ulterior policy of the French government towards the United States, will enable you to adapt to it, that of the United States towards France.

Our other foreign relations remain without unfavourable changes. *With Russia, they are on the best footing of friendship. The ports of Sweden have afforded proofs of friendly dispositions towards our commerce, in the councils of that nation also. And the information from our special minister to Denmark, shows, that the mission had been attended with valuable effects to our citizens, whose property had been so extensively violated and endangered by cruizers under the Danish flag.*

Under the ominous indications which commanded attention, it became a duty to exert the means committed to the executive department, in providing for the general security. The works of defence on our maritime frontier have accordingly been prosecuted, with an activity leaving little to be added for the completion of the most important ones, and, as particularly suited for co-operation in emergencies, a portion of the gun-boats have, in particular harbours, been ordered into use. The ships of war before in commission, with the addition of a frigate, have been chiefly employed as a cruising guard to the rights of our coasts. And such a disposition has been made of our land forces, as was thought to promise the services most appropriate and important. In this disposition is included a force, consisting of regulars and militia, embodied in the Indiana territory, and marched towards our North Western frontier. This measure was made requisite by several murders and depredations committed by Indians; but more especially by the menacing preparations and aspect of a combination of them on the Wabash under the influence and direction of a fanatic of the Shawanese tribe. With these exceptions, the Indian tribes retain their peaceable dispositions towards us, and their usual pursuits.

I must now add, that the period is arrived which claims from the legislative guardians of the national rights a system of more ample provisions for maintaining them. Notwithstanding the scrupulous justice, the protracted moderation, and the multiplied efforts on the part of the United States, to substitute, for the accumulating dangers to the peace of the two countries, all the mutual advantages of re-established friendship and confidence; we have seen that the British cabinet perseveres, not only in withholding a remedy for other wrongs, so long and so loudly calling for it; but in the execution, brought home to the threshold of our territory, of measures which, under existing circumstances, have the character, as well as the effect, of war on our lawful commerce.

With this evidence of hostile inflexibility, in trampling on rights



which no independent nation can relinquish, Congress will feel the duty of putting the United States into an armour, and an attitude demanded by the crisis, and corresponding with the national spirit and expectations.

I recommend, accordingly, that adequate provision be made for filling the ranks and prolonging the enlistments of the regular troops; for an auxiliary force, to be engaged for a more limited term; for the acceptance of volunteer corps, whose patriotic ardour may court a participation in urgent services; for detachments, as they may be wanted, of other portions of the militia; and for such a preparation of the great body, as will proportion its usefulness to its intrinsic capacities. Nor can the occasion fail to remind you of the importance of those military seminaries, which, in every event, will form a valuable and frugal part of our military establishment.

The manufacture of cannon and small arms has proceeded with due success; and the stock and resources of all the necessary munitions are adequate to emergencies. It will not be inexpedient, however, for Congress to authorize an enlargement of them.

Your attention will of course be drawn to such provisions, on the subject of our naval force, as may be required for services to which it may be best adapted. I submit to Congress the seasonableness, also, of an authority to augment the stock of such materials, as are imperishable in their nature, or may not at once be attainable.

In contemplating the scenes which distinguish this momentous epoch, and estimating their claims to our attention, it is impossible to overlook those developing themselves among the great communities which occupy the southern portion of our own hemisphere, and extend into our neighbourhood. An enlarged philanthropy, and an enlightened forecast, concur in imposing on the national councils an obligation to take a deep interest in their destinies: to cherish reciprocal sentiments of good will; to regard the progress of events; and not to be unprepared for whatever order of things may be ultimately established.

Under another aspect of our situation, the early attention of Congress will be due to the expediency of further guards against evasions and infractions of our commercial laws. The practice of smuggling, which is odious every where, and particularly criminal in free governments, where, the laws being made by all for the good of all, a fraud is committed on every individual as well as on the state, attains its utmost guilt, when it blends with a pursuit of ignominious gain a treacherous subserviency, in the transgressors, to a foreign policy adverse to that of their own country. It is then that the virtuous indignation of the public should be enabled to manifest itself, through the regular animadversions of the most competent laws.

To secure greater respect to our mercantile flag, and to the honest interest which it covers, it is expedient also, that it be made punishable in our citizens, to accept licenses from foreign govern-

ments, for a trade unlawfully interdicted by them to other American citizens; or to trade under false colours or papers of any sort.

A prohibition is equally called for, against the acceptance, by our citizens, of special licenses, to be used in a trade with the United States; and against the admission into particular ports of the United States, of vessels from foreign countries, authorized to trade with particular ports only.

Although other subjects will press more immediately on your deliberations, a portion of them cannot but be well bestowed on the just and sound policy of securing to our manufactures the success they have attained, and are still attaining, in some degree, under the impulse of causes not permanent; and to our navigation, the fair extent, of which it is at present abridged by the unequal regulations of foreign governments.

Besides the reasonableness of saving our manufactures from sacrifices which a change of circumstances might bring on them, the national interest requires, that, with respect to such articles, at least, as belong to our defence, and our primary wants, we should not be left in unnecessary dependence on external supplies. And whilst foreign governments adhere to the existing discriminations in their ports against our navigation, and an equality or lesser discrimination is enjoyed by their navigation, in our ports, the effect cannot be mistaken, because it has been seriously felt by our shipping interest; and in proportion as this takes place, the advantages of an independent conveyance of our products to foreign markets, and of a growing body of mariners, trained by their occupations for the service of their country in times of danger, must be diminished.

The receipts into the treasury, during the year ending on the thirtieth of September last, having exceeded thirteen millions and a half of dollars, and have enabled us to defray the current expenses, including the interest on the public debt, and to reimburse more than five millions of dollars of the principal, without recurring to the loan authorized by the act of the late session. The temporary loan obtained in the latter end of the year one thousand eight hundred and ten, has also been reimbursed, and is not included in that amount.

The decrease of revenue, arising from the situation of our commerce and the extraordinary expenses which have and may become necessary, must be taken into view, in making commensurate provisions for the ensuing year. And I recommend to your consideration, the propriety of ensuring a sufficiency of annual revenue, at least to defray the ordinary expenses of government, and to pay the interest on the public debt, including that on new loans which may be authorized.

I cannot close this communication without expressing my deep sense of the crisis in which you are assembled, my confidence in a wise and honourable result to your deliberations, and assurances of the faithful zeal with which my co-operating duties will be dis-

charged; invoking, at the same time, the blessing of Heaven on our beloved country, and on all the means that may be employed, in vindicating its rights and advancing its welfare.

JAMES MADISON.

Washington, November 6, 1811.

## DOCUMENTS

*Accompanying the Message of the President of the United States, to the two Houses of Congress, at the Commencement of the first Session of the Twelfth Congress.*

Correspondence between Mr. Monroe, Secretary of State, and Mr. Foster, Envoy Extraordinary and Minister Plenipotentiary of his Britannic Majesty, in relation to the Orders in Council.

*Mr. Foster to Mr. Monroe.*

Washington, July 2, 1811.

SIR,

I HAVE the honour to inform you that I have received the special commands of his royal highness, the prince regent, acting in the name and on the behalf of his majesty, to make an early communication to you of the sentiments which his royal highness was pleased, on the part of his majesty, to express to Mr. Pinkney, upon the occasion of his audience of leave.

His royal highness signified to Mr. Pinkney, the deep regret with which he learnt that Mr. Pinkney conceived himself to be bound by the instructions of his government to take his departure from England.

His royal highness informed Mr. Pinkney that one of the earliest acts of his government, in the name and on the behalf of his majesty, was to appoint an envoy extraordinary and minister plenipotentiary to the government of the United States; and added, that this appointment had been in the spirit of amity, and with a view of maintaining the subsisting relations of friendship between the two countries.

His royal highness further declared to Mr. Pinkney that he was most sincerely and anxiously desirous, on the part of his majesty, to cultivate a good understanding with the United States by every means consistent with the preservation of the maritime rights and interests of the British empire.

His royal highness particularly desired that Mr. Pinkney would communicate these declarations to the United States in the manner which might appear best calculated to satisfy the president of his royal highness' solicitude to facilitate an amicable discussion with

the government of the United States upon every point of difference which had arisen between the two governments. I have the honour to be, &c. &c. &c.

(Signed)

The Hon. James Monroe, &c.

AUG. J. FOSTER.

*Mr. Foster to Mr. Monroe.*

SIR,

Washington, July 3, 1811.

I have had the honour of stating to you verbally the system of defence to which his majesty has been compelled to resort, for the purpose of protecting the maritime rights and interests of his dominions, against the new description of warfare that has been adopted by his enemies. I have presented to you the grounds upon which his majesty finds himself still obliged to continue that system, and I conceive that I shall best meet your wishes as expressed to me this morning, if, in a more formal shape, I should lay before you the whole extent of the question as it appears to his majesty's government to exist between Great Britain and America.

I beg leave to call your attention, sir, to the principles on which his majesty's orders in council were originally founded. The decree of Berlin was directly and expressly an act of war, by which France prohibited all nations from trade or intercourse with Great Britain, under peril of confiscation of their ships and merchandise; although France had not the means of imposing an actual blockade in any degree adequate to such purpose. The immediate and professed object of this hostile decree was the destruction of all British commerce, through means entirely unsanctioned by the law of nations, and unauthorized by any received doctrine of legitimate blockade.

This violation of the established law of civilized nations in war would have justified Great Britain in retaliating upon the enemy, by a similar interdiction of all commerce with France and with such other countries as might co-operate with France in her system of commercial hostility against Great Britain.

The object of Great Britain was not, however, the destruction of trade, but its preservation under such regulations as might be compatible with her own security, at the same time that she extended an indulgence to foreign commerce, which strict principles would have entitled her to withhold. The retaliation of Great Britain was not, therefore, urged to the full extent of her right; our prohibition of French trade was not absolute, but modified; and in return for the absolute prohibition of all trade with Great Britain, we prohibited not all commerce with France, but all such commerce with France as should not be carried on through Great Britain.

It was evident that this system must prove prejudicial to neutral nations: this calamity was foreseen, and deeply regretted. But the injury to the neutral nation arose from the aggression of France, which had compelled Great Britain in her own defence to resort to

adequate retaliatory measures of war. The operation on the American commerce of those precautions which the conduct of France had rendered indispensable to our security, is therefore to be ascribed to the unwarrantable aggression of France, and not to those proceedings on the part of Great Britain which that aggression had rendered necessary and just.

The object of our system was merely to counteract an attempt to crush the British trade. Great Britain endeavoured to permit the continent to receive as large a portion of commerce as might be practicable through Great Britain; and all her subsequent regulations, and every modification of her system by new orders or modes of granting or withholding licenses, have been calculated for the purpose of encouraging the trade of neutrals through Great Britain, whenever such encouragement might appear advantageous to the general interests of commerce, and consistent with the public safety of the nation.

The justification of his majesty's orders in council, and the continuance of that defence, have always been rested upon the existence of the decrees of Berlin and Milan, and on the perseverance of the enemy in the system of hostility which has subverted the rights of neutral commerce on the continent; and it has always been declared on the part of his majesty's government, that whenever France should have effectually repealed the decrees of Berlin and Milan, and should have restored neutral commerce to the condition in which it stood previously to the promulgation of those decrees, we should immediately repeal our orders in council.

France has asserted that the decree of Berlin was a measure of just retaliation on her part, occasioned by our previous aggression; and the French government has insisted that our system of blockade, as it existed previously to the decree of Berlin, was a manifest violation of the received law of nations: we must, therefore, sir, refer to the articles of the Berlin decree to find the principles of our system of blockade which France considers to be new, and contrary to the law of nations.

By the 4th and 8th articles, it is stated, as a justification of the French decree, that Great Britain "extends to unfortified towns and commercial ports, to harbours, and to the mouths of rivers, those rights of blockade which, by reason and the usage of nations, are applicable only to fortified places; and that the rights of blockade ought to be limited to fortresses really invested by a sufficient force."

It is added in the same articles, that Great Britain "has declared places to be in a state of blockade before which she has not a single vessel of war, and even places which the whole British force would be insufficient to blockade—entire coasts and a whole empire."

Neither the practice of Great Britain nor the law of nations has ever sanctioned the rule now laid down by France, that no place, excepting fortresses in a complete state of investiture, can be deemed lawfully blockaded by sea.

If such a rule were to be admitted, it would become nearly impracticable for Great Britain to attempt the blockade of any port of the continent; and our submission to this perversion of the law of nations, while it would destroy one of the principal advantages of our naval superiority, would sacrifice the common rights and interests of all maritime states.

It was evident that the blockade of May, 1806, was the principal pretended justification of the decree of Berlin, though neither the principles on which that blockade was founded, nor its practicable operation, afforded any colour for the proceedings of France.

In point of date, the blockade of May, 1806, preceded the Berlin decree; but it was a just and legal blockade according to the established law of nations, because it was intended to be maintained, and was actually maintained, by an adequate force appointed to guard the whole coast described in the notification, and consequently to enforce the blockade.

Great Britain has never attempted to dispute that in the ordinary course of the law of nations, no blockade can be justifiable or valid unless it be supported by an adequate force, destined to maintain it, and to expose to hazard all vessels attempting to evade its operation. The blockade of May, 1806, was notified by Mr. Secretary Fox, on this clear principle, nor was that blockade announced until he had satisfied himself, by a communication with his majesty's board of admiralty, that the admiralty possessed the means and would employ them, of watching the whole coast from Brest to the Elbe, and of effectually enforcing the blockade.

The blockade of May, 1806, was therefore (according to the doctrine maintained by Great Britain,) just and lawful in its origin, because it was supported both in intention and fact by an adequate naval force. This was the justification of that blockade, until the period of time when the orders in council were issued.

The orders in council were founded on a distinct principle; that of defensive retaliation. France had declared a blockade of all the ports and coasts of Great Britain, and her dependencies, without assigning or being able to assign any force to support that blockade. Such an act of the enemy would have justified a declaration of the blockade of the whole coast of France, even without the application of any particular force to that service. Since the promulgation of the orders in council, the blockade of May, 1806, has been sustained and extended, by the more comprehensive system of defensive retaliation, on which those regulations are founded. But if the orders in council should be abrogated, the blockade of May, 1806, could not continue under our construction of the law of nations, unless that blockade should be maintained by a due application of an adequate naval force.

America appears to concur with France, in asserting that Great Britain was the original aggressor in the attack on neutral rights, and has particularly objected to the blockade of May, 1806, as an obvious instance of that aggression on the part of Great Britain.

Although the doctrines of the Berlin decree, respecting the rights of blockade, are not directly asserted by the American government, Mr. Pinkney's correspondence would appear to countenance the principles on which those doctrines are founded. The objection directly stated by America against the blockade of May, 1806, rests on a supposition that no naval force which Great Britain possessed, or could have employed for such a purpose, could have rendered that blockade effectual, and that therefore it was necessarily irregular, and could not possibly be maintained in conformity to the law of nations.

Reviewing the course of this statement, it will appear, that the blockade of May, 1806, cannot be deemed contrary to the law of nations, either under the objections urged by the French, or under those declared, or insinuated by the American government, because that blockade was maintained by a sufficient naval force; that the decree of Berlin was not, therefore, justified either under the pretexts alleged by France, or under those supported by America; that the orders in council were founded on a just principle of defensive retaliation, against the violation of the law of nations, committed by France in the decrees of Berlin; that the blockade of May, 1806, is now included in the more extensive operation of the orders in council; and lastly, that the orders in council will not be continued beyond the effectual duration of the hostile decrees of France, nor will the blockade of May, 1806, continue after the repeal of the orders in council, unless his majesty's government shall think fit to sustain it by the special application of a sufficient naval force. This fact will not be suffered to remain in doubt, and if the repeal of the orders in council should take place, the intention of his majesty's government respecting the blockade of May, 1806, will be notified at the same time.

I need not recapitulate to you the sentiments of his majesty's government, so often repeated, on the subject of the French minister's note to General Armstrong, dated the 5th of last August. The studied ambiguity of that note has since been amply explained by the conduct and language of the government of France, of which one of the most remarkable instances is to be found in the speech of the chief of the French government on the 17th of last month to certain deputies from the free cities of Hamburgh, Bremen, and Lubeck, wherein he declares that the Berlin and Milan decrees shall be the public code of France as long as England maintains her orders in council of 1806 and 1807. Thus pronouncing as plainly as language will admit, that the system of violence and injustice, of which he is the founder, will be maintained by him until the defensive measures of retaliation to which they gave rise, on the part of Great Britain, shall be abandoned.

If other proofs were necessary to show the continued existence of those obnoxious decrees, they may be discovered in the imperial edict dated at Fontainebleau, in October 19, 1810, that monstrous production of violence, in which they are made the basis of

a system of general and unexampled tyranny and oppression over all countries subject to, allied with, or within reach of the power of France; in the report of the French minister for foreign affairs dated last December, and in the letter of the French minister of justice to the president of the council of prizes. To this letter, sir, I would wish particularly to invite your attention; the date is the 25th of December; the authority it comes from most unquestionable; and you will there find, sir, the duke of Massa, in giving his instructions to the council of prizes, in consequence of the president of the United States' proclamation of November 3d, most cautiously avoiding to assert that the French decrees were repealed, and ascribing, not to such repeal but to the ambiguous passage which he quotes at length from Mr. Champagny's letter of August 5th, the new attitude taken by America; and you will also find an evidence in the same letter of the continued capture of American ships after November 1st, and under the Berlin and Milan decrees, having been contemplated by the French government, since there is a special direction given for judgment on such ships being suspended in consequence of the American proclamation, and for their being kept as pledges for its enforcement.

Can then, sir, those decrees be said to have been repealed at the period when the proclamation of the president of the United States appeared, or when America enforced her non-importation act against Great Britain? Are they so at this moment? To the first question the state papers which I have referred to, appear to give a sufficient answer: for even supposing that the repeal had since taken place, it is clear that on November 3d, there was no question as to that not being then the case; the capture of the ship *New Orleans Packet*, seized at Bordeaux, and of the *Grace Ann Green*, seized at or carried into Marseilles, being cases arising under the French decrees of Berlin and Milan, as is very evident. Great Britain might, therefore, complain of being treated with injustice by America, even supposing that the conduct of France had since been unequivocal.

America contends that the French decrees are revoked as it respects her ships upon the high seas; and you, sir, inform me that the only two American ships taken under the maritime operation, as you are pleased to term it, since November 1st, have been restored; but may not they have been restored in consequence of the satisfaction felt in France at the passing of the non-importation act in the American congress, an event so little to be expected; for otherwise, why, having been captured in direct contradiction to the supposed revocation, why were they not restored immediately?

The fears of the French navy, however, prevent many cases of the kind occurring on the ocean under the decrees of Berlin and Milan; but the most obnoxious and destructive parts of those decrees are exercised with full violence, not only in the ports of France, but in those of all other countries to which France thinks she can commit injustice with impunity.



Great Britain has a right to complain that neutral nations should overlook the very worst features of those extraordinary acts, and should suffer their trade to be made a medium of an unprecedented, violent and monstrous system of attack upon her resources; a species of warfare unattempted by any civilized nation before the present period. Not only has America suffered her trade to be moulded into the means of annoyance to Great Britain under the provisions of the French decrees, but construing those decrees as extinct upon a deceitful declaration of the French cabinet, she has enforced her non-importation act against Great Britain.

*Under these circumstances I am instructed by my government to urge to that of the United States, the injustice of thus enforcing that act against his majesty's dominions; and I cannot but hope that a spirit of justice will induce the United States' government to re-consider the line of conduct they have pursued, and at least to re-establish their former state of strict neutrality.*

I have only to add, sir, that on my part, I shall ever be ready to meet you on any opening, which may seem to afford a prospect of restoring complete harmony between the two countries, and that it will, at all times, give me the greatest satisfaction to treat with you on the important concerns so interesting to both.

I have the honour to be, &c.

(Signed)

AUG. J. FOSTER.

To the honourable James Monroe, &c.

*Mr. Foster to Mr. Monroe.*

SIR,

Washington, July 11, 1811.

In consequence of our conversation of yesterday, and the observations which you made respecting that part of my letter to you of the 3d instant, wherein I have alluded to the principle, on which his majesty's orders in council were originally founded, I think it right to explain myself, in order to prevent any possible mistake, as to the present situation of neutral trade with his majesty's enemies.

It will only be necessary for me to repeat what has already long since been announced to the American government, namely, that his majesty's order in council of April 26, 1809, superseded those of November, 1807, and relieved the system of retaliation, adopted by his majesty against his enemies, from what was considered in this country as the most objectionable part of it—the option given to neutrals to trade with the enemies of Great Britain through British ports on payment of a transit duty.

This explanation, sir, will, I trust, be sufficient to do away any impression that you may have received to the contrary, from my observations respecting the effects which his majesty's orders in council originally had on the trade of neutral nations. Those observations were merely meant as preliminary to a consideration of

the question now at issue between the two countries. I have the honour to be, &c. &c. &c.

(Signed)

AUG. J. FOSTER.

The honourable James Monroe, &c. &c. &c.

*Mr. Foster to Mr. Monroe.*

SIR,

Washington, July 14, 1811.

His majesty's packet-boat having been so long detained, and a fortnight having elapsed since my arrival at this capital, his Royal Highness the Prince Regent, will necessarily expect that I should have to transmit to his Royal Highness some official communication as to the line of conduct the American government mean to pursue. I trust you will excuse me, therefore, sir, if without pressing for a detailed answer to my note of the 3d instant, I anxiously desire to know from you what is the president's determination with respect to suspending the operation of the late act of congress prohibiting all importation from the British dominions.

There have been repeated avowals lately made by the government of France, that the decrees of Berlin and Milan were still in full force, and the acts of that government have corresponded with those avowals.

The measures of retaliation pursued by Great Britain against those decrees, are consequently to the great regret of his Royal Highness still necessarily continued.

I have had the honour to state to you the light in which his Royal Highness, the Prince Regent, viewed the proclamation of the president of last November, and the surprise with which he learnt the subsequent measures of congress against the British trade.

American ships seized under his majesty's orders in council, even after that proclamation appeared, were not immediately condemned, because it was believed that the insidious professions of France might have led the American government and the merchants of America into an erroneous construction of the intentions of France.

But when the veil was thrown aside, and the French ruler himself avowed the continued existence of his invariable system, it was not expected by his Royal Highness that America would have refused to retrace the steps she had taken.

Fresh proofs have since occurred of the resolution of the French government to cast away all consideration of the rights of nations, in the unprecedented warfare they have adopted.

America however still persists in her injurious measures against the commerce of Great Britain, and his Royal Highness has, in consequence, been obliged to look to means of retaliation against those measures which his Royal Highness cannot but consider as most unjustifiable.

How desirable would it not be, sir, if a stop could be put to any material progress in such a system of retaliation, which, from step

to step, may lead to the most unfriendly situation between the two countries.

His majesty's government will necessarily be guided in a great degree by the contents of my first dispatches, as to the conduct they must adopt towards America.

Allow me, then, sir, to repeat my request to learn from you whether I may not convey to his Royal Highness what I know would be most grateful to his Royal Highness' feelings, namely, the hope that he may be enabled, by the speedy return of America from her unfriendly attitude towards Great Britain, to forget altogether that he ever was obliged to have any other object in view besides that of endeavouring to promote the best understanding possible between the two countries. I have the honour to be, &c.

(Signed)

AUG. J. FOSTER.

The honourable James Monroe, &c. &c. &c.

*Mr. Monroe to Mr. Foster.*

SIR,

Department of State, July 15, 1811.

The reasoning and scope of the two letters I have had the honour to receive from you, dated on the 3d and 14th instant, rest essentially on a denial that the French decrees of Berlin and Milan are repealed. These decrees comprise regulations essentially different in their principles; some of them violating the neutral rights of the United States, others operating against Great Britain without any such violation.

In order to understand distinctly and fully the tenor of your communications, you will pardon the request I have the honour to make of an explanation of the precise extent in which a repeal of the French decrees is made a condition of the repeal of the British orders; and particularly whether the condition embraces the seizure of vessel and merchandise entering French ports in contravention of French regulations, as well as the capture on the high seas of neutral vessels and their cargoes, on the mere allegation that they are bound to, or from British ports; or that they have on board British productions or manufactures. I have the honour to be, &c.

(Signed)

JAS. MONROE.

The honourable Augustus J. Foster, &c. &c. &c.

*Mr. Foster to Mr. Monroe.*

SIR,

Washington, July 16, 1811.

I had the honour to receive the letter which you addressed to me under yesterday's date, requesting an explanation from me, in consequence of my letters of the 3d and 14th instant, of the precise extent in which a repeal of the French decrees is, by his majesty's government, made a condition of the repeal of the British orders, and particularly whether the condition embraces the seizure of vessels and merchandise entering French ports in contravention of French regulations, as well as the capture on the high seas of neutral vessels and their cargoes, on the mere allegation that they are

bound to, or from British ports, or that they have on board British productions or manufactures; as also, stating that in your view of the French decrees they comprise regulations essentially different in their principles; some of them violating the neutral rights of the United States, others operating against Great Britain without any such violation.

You will permit me, sir, for the purpose of answering your questions as clearly and concisely as possible, to bring into view the French decrees themselves, together with the official declarations of the French minister which accompanied them.

In the body of those decrees, and in the declarations alluded to, you will find, sir, express avowals that the principles on which they were founded, and the provisions contained in them, are wholly new, unprecedented and in direct contradiction to all ideas of justice and the principles and usages of all civilized nations.

The French government did not pretend to say that any one of the regulations contained in those decrees was a regulation which France had ever been in the previous practice of.

They were consequently to be considered, and were indeed allowed by France herself to be, all of them, parts of a new system of warfare, unauthorized by the established laws of nations.

It is in this light in which France herself has placed her decrees, that Great Britain is obliged to consider them.

The submission of neutrals to any regulations made by France, authorized by the laws of nations and practised in former wars, will never be complained of by Great Britain; but the regulations of the Berlin and Milan decrees do, and are declared to, violate the laws of nations and the rights of neutrals, for the purpose of attacking through them the resources of Great Britain. The ruler of France has drawn no distinction between any of them, nor has he declared the cessation of any one of them in the speech which he so lately addressed to the deputation from the free imperial Hanse Towns, which was, on the contrary, a confirmation of them all.

Not until the French decrees, therefore, shall be effectually repealed, and thereby neutral commerce be restored to the situation in which it stood previously to their promulgation, can his Royal Highness conceive himself justified, consistently with what he owes to the safety and honour of Great Britain, in foregoing the just measures of retaliation which his majesty in his defence was necessitated to adopt against them.

I trust, sir, that this explanation in answer to your inquiries will be considered by you sufficiently satisfactory; should you require any further, and which it may be in my power to give, I shall with the greatest cheerfulness afford it.

I sincerely hope, however, that no further delay will be thought necessary by the president, in restoring the relations of amity which should ever subsist between America and Great Britain; as the delusions attempted by the government of France have now been made manifest, and the perfidious plans of its ruler exposed, by which, while he adds to, and aggravates its system of violence

against neutral trade, he endeavours to throw all the odium of his acts upon Great Britain, with a view to engender discord between the neutral countries and the only power which stands up as a bulwark against his efforts at universal tyranny and oppression.

Excuse me, sir, if I express my wish as early as possible to dispatch his majesty's packet-boat with the result of ~~our~~ communications, as his majesty's government will necessarily be most anxious to hear from me. Any short period of time, however, which may appear to you to be reasonable, I will not hesitate to detain her.

I have the honour to be, &c.

(Signed)

AUG. J. FOSTER.

The honourable James Monroe, &c.

*Mr. Monroe to Mr. Foster.*

SIR,

Department of State, July 23, 1811.

I have submitted to the president your several letters, of the 3d and 16th of this month, relative to the British orders in council and the blockade of May, 1806, and I have now the honour to communicate to you his sentiments on the view which you have presented of those measures of your government.

It was hoped that your communication would have led to an immediate accommodation of the differences subsisting between our countries, on the ground on which alone it is possible to meet you. It is regretted that you have confined yourself to a vindication of the measures which produced some of them.

The United States are as little disposed now as heretofore to enter into the question concerning the priority of aggression by the two belligerents, which could not be justified by either, by the priority of those of the other. But as you bring forward that plea in support of the orders in council, I must be permitted to remark that you have yourself furnished a conclusive answer to it, by admitting that the blockade of May, 1806, which was prior to the first of the French decrees, would not be legal, unless supported through the whole extent of the coast, from the Elbe to Brest, by an adequate naval force. That such a naval force was actually applied and continued in the requisite strictness until that blockade was comprised in and superseded by the orders of November of the following year, or even until the French decree of the same year, will not, I presume, be alleged.

But waving this question of priority, can it be seen, without both surprise and regret, that it is still contended that the orders in council are justified by the principle of retaliation, and that this principle is strengthened by the inability of France to enforce her decrees. A retaliation is in its name, and its essential character, a returning a like for like. Is the deadly blow of the orders in council against one half of our commerce, a return of like for like to an empty threat in the French decrees against the other half? It may be a vindictive hostility, as far as its effect falls on the enemy: but

when falling on a neutral, who on no pretext can be liable for more than the measure of injury received through such neutral, it would not be a retaliation, but a positive wrong, by the plea on which it is founded.

*It is to be further remarked, that the orders in council went even beyond the plea, such as this has appeared to be, in extending its operation against the trade of the United States with nations which, like Russia, had not adopted the French decrees, and with all nations which had merely excluded the British flag; an exclusion resulting as matter of course with respect to whatever nation Great Britain might happen to be at war.*

I am far from viewing the modification originally contained in these orders, which permits neutrals to prosecute their trade with the continent, through Great Britain, in the favourable light in which you represent it. It is impossible to proceed to notice the effect of this modification without expressing our astonishment at the extravagance of the political pretensions set up by it: a pretension which is utterly incompatible with the sovereignty and independence of other states. In a commercial view it is not less objectionable, as it cannot fail to prove destructive to neutral commerce. As an enemy, Great Britain cannot trade with France. Nor does France permit a neutral to come into her ports from Great Britain. The attempt of Great Britain to force our trade through her ports, would have, therefore, the commercial effect of depriving the United States altogether of the market of her enemy for their productions, and of destroying their value in her market by a surcharge of it. Heretofore it has been the usage of belligerent nations to carry on their trade through the intervention of neutrals, and this had the beneficial effect of extending to the former the advantages of peace while suffering under the calamities of war. To reverse the rule, and to extend to nations at peace the calamities of war, is a change as novel and extraordinary as it is at variance with justice and public law.

Against this unjust system, the United States entered, at an early period their solemn protest. They considered it their duty to evince to the world their high disapprobation of it, and they have done so by such acts as were deemed most consistent with the rights and the policy of the nation. Remote from the contentious scene which desolates Europe, it has been their uniform object to avoid becoming a party to the war. With this view they have endeavoured to cultivate friendship with both parties by a system of conduct which ought to have produced that effect. They have done justice to each party in every transaction in which they have been separately engaged with it. They have observed the impartiality which was due to both as belligerents standing on equal ground, having in no instance given a preference to either at the expense of the other. They have borne too, with equal indulgence, injuries from both, being willing, while it was possible, to impute them to casualties inseparable from a state of war, and not to a deliberate intention to violate their rights. And even when

that intention could not be mistaken, they have not lost sight of the ultimate object of their policy. In the measures to which they have been compelled to resort, they have in all respects maintained pacific relations with both parties. The alternative presented by their late acts was offered equally to both, and could operate on neither no longer than it should persevere in its aggressions on our neutral rights. The embargo and non-intercourse were pacific measures. The regulations which they imposed on our trade were such as any nation might adopt in peace or war without offence to any other nation. The non-importation is of the same character; and if it makes a distinction at this time in its operation between the belligerents, it necessarily results from a compliance of one with the offer made to both, and which is still open to the compliance of the other.

In the discussions which have taken place on the subject of the orders in council and blockade of May 1806, the British government, in conformity to the principle on which the orders in council are said to be founded, declared that they should cease to operate as soon as France revoked her edicts. It was stated also that the British government would proceed *pari passu* with the government of France in the revocation of her edicts. I will proceed to show that the obligation on Great Britain to revoke her orders is complete, according to her own engagement, and that the revocation ought not to be longer delayed.

By the act of May 1st, 1810, it is provided that if either Great Britain or France should cease to violate the neutral commerce of the United States, which fact the president should declare by proclamation, and the other party should not within three months thereafter revoke or modify its edicts in like manner, that then certain sections in a former act interdicting the commercial intercourse between the United States and Great Britain and France and their dependencies, should, from and after the expiration of three months from the date of the proclamation, be revived and have full force against the former, its colonies and dependencies, and against all articles the growth, produce or manufacture of the same.

The violations of neutral commerce alluded to in this act, were such as were committed on the high seas. It was in the trade between the United States and the British dominions that France had violated the neutral rights of the United States by her blockading edicts. It was in the trade with France and her allies that Great Britain had committed similar violations by similar edicts. It was the revocation of those edicts, so far as they committed such violations, which the United States had in view, when they passed the law of May 1, 1810.

On the 5th August, 1810, the French minister of foreign affairs addressed a note to the minister plenipotentiary of the United States at Paris, informing him that the decrees of Berlin and Milan were revoked, the revocation to take effect on the 1st November following; that the measure had been taken by his government in

confidence that the British government would revoke its orders and renounce its new principle of blockade, or that the United States would cause their rights to be respected, conformably to the act of May 1, 1810.

The measure of the French government was founded on the law of May 1, 1810, as is expressly declared in the letter of the Duke of Cadore, announcing it. The edicts of Great Britain, the revocation of which was expected by France, were those alluded to in that act, and the means by which the United States should cause their rights to be respected in case Great Britain should not revoke her edicts, were likewise to be found in the same act.\* They consisted merely in the enforcement of the non-importation act against Great Britain, in that unexpected and improbable contingency.

The letter of the 5th August, which announced the revocation of the French decrees, was communicated to this government; in consequence of which, the President issued a proclamation on the 2d November, the day after that on which the repeal of the French decrees was to take effect, in which he declared, that all the restrictions imposed by the act of May 1, 1810, should cease and be discontinued in relation to France and her dependencies. It was a necessary consequence of this proclamation also, that if Great Britain did not revoke her edicts, the non-importation would operate against her at the end of three months. This actually took place. She declined the revocation, and on the 2d February last, that law took effect. In confirmation of the proclamation an act of congress was passed on the 2d March following.

Great Britain still declines to revoke her edicts on the pretension that France has not revoked hers. Under that impression she infers that the United States have done her injustice by carrying into effect the non-importation against her.

The United States maintain that France has revoked her edicts so far as they violated their neutral rights, and were contemplated by the law of May 1st, 1810, and have on that ground particularly claimed and do expect of Great Britain a similar revocation.

The revocation announced officially by the French minister of foreign affairs to the minister plenipotentiary of the United States at Paris, on the 5th August, 1810, was in itself sufficient to justify the claim of the United States to a correspondent measure from Great Britain. She had declared that she would proceed *pari passu* in the repeal with France, and the day being fixed when the repeal of the French decrees should take effect, it was reasonable to conclude that Great Britain would fix the same day for the repeal of her orders. Had this been done, the proclamation of the President would have announced the revocation of the edicts of both powers at the same time; and in consequence thereof, the non-importation would have gone into operation against neither. Such too is the natural course of proceeding in transactions between independent states; and such the conduct which they generally observe towards each other. In all compacts between nations, it is the duty



of each to perform what it stipulates, and to presume on the good faith of the other, for a like performance. The United States having made a proposal to both belligerents, were bound to accept a compliance from either, and it was no objection to the French compliance, that it was in a form to take effect at a future day, that being a form not unusual in laws and other public acts. Even when nations are at war and make peace, this obligation of mutual confidence exists, and must be respected. In treaties of commerce, by which their future intercourse is to be governed, the obligation is the same. If distrust and jealousy are allowed to prevail, the moral tie which binds nations together in all their relations, in war as well as in peace, is broken.

What would Great Britain have hazarded by a prompt compliance in the manner suggested? She had declared that she had adopted the restraints imposed by her orders in council with reluctance, because of their distressing effect on neutral powers. Here then was a favourable opportunity presented to her, to withdraw from that measure with honour, be the conduct of France afterwards what it might. Had Great Britain revoked her orders, and France failed to fulfil her engagement, she would have gained credit at the expence of France, and could have sustained no injury by it, because the failure of France to maintain her faith would have replaced Great Britain at the point from which she had departed. To say that a disappointed reliance on the good faith of her enemy, would have reproached her foresight, would be to set a higher value on that quality than on consistency and good faith, and would sacrifice to a mere suspicion towards an enemy, the plain obligations of justice, towards a friendly power.

Great Britain has declined proceeding *pari passu* with France in the revocation of their respective edicts. She has held aloof, and claims of the United States proof not only that France has revoked her decrees, but that she continues to act in conformity with the revocation.

To show that the repeal is respected, it is deemed sufficient to state that not one vessel has been condemned by French tribunals, on the principle of those decrees, since the 1st November last. The New Orleans packet from Gibraltar to Bourdeaux, was detained, but never condemned. The Grace Ann Green, from the same British port, to Marseilles, was likewise detained, but afterwards delivered up unconditionally to the owner, as was such part of the cargo of the New Orleans packet, as consisted of the produce of the United States. Both these vessels proceeding from a British port, carried cargoes, some articles of which in each, were prohibited by the laws of France, or admissible by the sanction of the government alone. It does not appear that their detention was imputable to any other cause. If imputable to the circumstance of passing from a British to a French port, or on account of any part of their cargoes, it affords no cause of complaint to Great Britain, as a violation of our neutral rights. No such cause would be afford-

ed, in even a case of condemnation. The right of complaint would have belonged to the United States.

In denying the revocation of the decrees, so far as it is a proper subject of discussion between us, it might reasonably be expected that you would produce some examples of vessels taken at sea, in voyages to British ports, or on their return home, and condemned under them by a French tribunal. None such has been afforded by you. None such are known to this government.

You urge only as an evidence that the decrees are not repealed, the speech of the emperor of France to the deputies from the free cities of Hamburg, Bremen, and Lubeck; the imperial edict dated at Fontainebleau, on the 19th of October, 1810: the report of the French minister of foreign affairs, dated in December last, and a letter of the minister of justice to the president of the council of prizes of the 25th of that month.

There is nothing in the first of these papers incompatible with the revocation of the decrees, in respect to the United States. It is distinctly declared by the emperor in his speech to the deputies of the Hanse-towns, that the blockade of the British islands shall cease when the British blockades cease; and that the French blockade shall cease in favour of those nations in whose favour Great Britain revokes hers, or who support their rights against her pretension, as France admits the United States will do by enforcing the non-importation act. The same sentiment is expressed in the report of the minister of foreign affairs. The decree of Fontainebleau having no effect on the high seas, cannot be brought into this discussion. It evidently has no connexion with neutral rights.

The letter from the minister of justice to the president of the council of prizes, is of a different character. It relates in direct terms to this subject, but not in the sense in which you understand it. After reciting the note from the Duke of Cadore of the 5th of August last, to the American minister at Paris, which announced the repeal of the French decrees, and the proclamation of the president in consequence of it, it states that all causes arising under those decrees after the 1st of November, which were then before the court, or might afterwards be brought before it, should not be judged by the principles of the decrees, but be suspended until the 2d of February, when the United States having fulfilled their engagement, the captures should be declared void, and the vessels and their cargoes delivered up to their owners. This paper appears to afford an unequivocal evidence of the revocation of the decrees, so far as relates to the United States. By instructing the French tribunal to make no decision until the 2d of February, and then to restore the property to the owners on a particular event which has happened, all cause of doubt on that point seems to be removed. The United States may justly complain of delay in the restitution of that property, but that is an injury which affects them only. Great Britain has no right to complain of it. She was interested only in the revocation of the decrees by which neutral rights would be se-

cured from future violation; or if she had been interested in the delay, it would have afforded no pretext for more than a delay in repealing her orders till the 2d of February. From that day, at furthest, the French decrees would cease. At the same day ought her orders to have ceased. I might add to this statement that every communication received from the French government either through our representative there, or its representative here, are in accord with the actual repeal of the Berlin and Milan decrees, in relation to the neutral commerce of the United States. But it will suffice to remark that the best and only adequate evidence of their ceasing to operate, is the defect of evidence that they do operate. It is a case where the want of proof against the fulfilment of a pledge is proof of the fulfilment. Every case occurring, to which, if the decrees were in force, they would be applied, and to which they are not applied, is a proof they are not in force. And if these proofs have not been more multiplied, I need not remind you, that a cause is to be found in the numerous captures under your orders in council, which continue to evince the rigour with which they are enforced, after a failure of the basis on which they were supposed to rest.

But Great Britain contends, as appears by your last letter, that she ought not to revoke her orders in council, until the commerce of the continent is restored to the state on which it stood before the Berlin and Milan decrees issued; until the French decrees are repealed, not only as to the United States, but so as to permit Great Britain to trade with the continent. Is it then meant that Great Britain should be allowed to trade with all the powers with whom she traded at that epoch? Since that time France has extended her conquests to the north and raised enemies against Great Britain, where she then had friends. Is it proposed to trade with them notwithstanding the change in their situation? Between the enemies of one date and those of another, no discrimination can be made. There is none in reason, nor can there be any of right, in practice. Or do you maintain the general principle, and contend that Great Britain ought to trade with France and her allies? Between enemies there can be no commerce. The vessels of either taken by the other are liable to confiscation, and are always confiscated. The number of enemies, or extent of country which they occupy, cannot affect the question. The laws of war govern the relation which subsists between them, which, especially in the circumstance under consideration, are invariable. They were the same in times the most remote that they now are. Even if peace had taken place between Great Britain and the powers of the continent, she could not trade with them without their consent. Or does Great Britain contend, that the United States, as a neutral power, ought to open the continent to her commerce, on such terms as she may designate? On what principle can she set up such a claim? No example of it can be found in the history of past wars, nor is it founded in any recognized principle of war, or in any semblance of reason or right. The United States could not maintain such a claim in their own favour,

though neutral. When advanced in favour of an enemy, it would be the most preposterous and extravagant claim ever heard of. Every power, where not restrained by treaty, has a right to regulate its trade with other nations, in such manner as it finds most consistent with its interest; to admit, and on its own conditions, or to prohibit the importation of such articles as are necessary to supply the wants, or encourage the industry of its people. In what light would Great Britain view an application from the United States, for the repeal, of right, of any act of her parliament, which prohibited the importation of any article from the United States, such as their fish or their oil? Or which claimed the diminution of the duty on any other, such as their tobacco, on which so great a revenue is raised? In what light would she view a similar application, made at the instance of France, for the importation into England, of any article the growth or manufacture of that power, which it was the policy of the British government to prohibit?

If delays have taken place in the restitution of American property, and in placing the American commerce in the ports of France on a fair and satisfactory basis, they involve questions, as has already been observed, in which the United States alone are interested. As they do not violate the revocation by France, of her edicts, they cannot impair the obligation of Great Britain to revoke hers, nor change the epoch at which the revocation ought to have taken place. Had that duly followed, it is more than probable that those circumstances, irrelative as they are, which have excited doubt in the British government, of the practical revocation of the French decrees, might not have occurred.

Every view which can be taken of this subject, increases the painful surprise at the innovations on all the principles and usages heretofore observed, which are so unreservedly contended for in your letters of the 3d and 16th instant, and which, if persisted in by your government, present such an obstacle to the wishes of the United States, for a removal of the difficulties which have been connected with the orders in council. It is the interest of belligerents to mitigate the calamities of war, and neutral powers possess ample means to promote that object, provided they sustain with impartiality and firmness the dignity of their station. If belligerents expect advantage from neutrals, they should leave them in the full enjoyment of their rights. The present war has been oppressive beyond example, by its duration, and by the desolation which it has spread throughout Europe. It is highly important that it should assume, at least, a milder character. By the revocation of the French edicts, so far as they respected the neutral commerce of the United States, some advance is made towards that most desirable and consoling result. Let Great Britain follow the example. The ground thus gained will soon be enlarged by the concurring and pressing interests of all parties, and whatever is gained will accrue to the advantage of afflicted humanity.

I proceed to notice another part of your letter of the 3d instant,

which is reviewed in a more favourable light. The president has received with great satisfaction, the communication, that should the orders in council of 1807, be revoked, the blockade of May, of the preceding year, would cease with them, and that any blockade which should be afterwards instituted, should be duly notified and maintained by an adequate force. This frank and explicit declaration, worthy of the prompt and amicable measure adopted by the prince regent in coming into power, seems to remove a material obstacle to an accommodation of differences between our countries, and when followed by the revocation of the orders in council, will, as I am authorized to inform you, produce an immediate termination of the non-importation law, by an exercise of the power vested in the president for that purpose.

I conclude with remarking, that if I have confined this letter to the subjects brought into view by yours, it is not because the U. States have lost sight, in any degree, of the other very serious causes of complaint, on which they have received no satisfaction, but because the conciliatory policy of this government has thus far separated the case of the orders in council from others, and because, with respect to these others, your communication has not afforded any reasonable prospect of resuming them, at this time, with success. It is presumed that the same liberal view of the true interests of Great Britain, and friendly disposition towards the United States, which induced the prince regent to remove so material a difficulty as had arisen in relation to a repeal of the orders in council, will lead to a more favourable further consideration of the remaining difficulties on that subject, and that the advantages of an amicable adjustment of every question depending between the two countries, will be seen by your government in the same light as they are by that of the United States. I have the honour to be, &c.

(Signed)

JAS. MONROE.

Augustus J. Foster, Esquire, &amp;c.

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*Mr. Foster to Mr. Monroe.*

SIR,

Washington, July 24, 1811.

Having been unable to ascertain distinctly from your letter to me of yesterday's date, whether it was the determination of the president to rest satisfied with the partial repeal of the Berlin and Milan decrees, which you believe has taken place, so as to see no reason in the conduct of France for altering the relations between this country and Great Britain, by exercising his power of suspending the operation of the non-importation act; allow me to repeat my question to you on this point, as contained in my letter of the 14th instant, before I proceed to make any comments on your answer. I have the honour to be, with distinguished consideration,

sir, your most obedient humble servant,

(Signed)

AUG. J. FOSTER.

The honourable James Monroe, Secretary of State.

*Mr. Monroe to Mr. Foster.*

SIR,

Department of State, July 26, 1811.

I had the honour to receive your letter of yesterday's date, in time to submit it to the view of the president before he left town.

It was my object to state to you in my letter of the 23d instant, that under existing circumstances, it was impossible for the president to terminate the operation of the non-importation law of the 2d March last: that France having accepted the proposition made by a previous law equally to Great Britain and to France, and having revoked her decrees, violating our neutral rights, and Great Britain having declined to revoke hers, it became the duty of this government to fulfil its engagement, and to declare the non-importation law in force against Great Britain.

This state of affairs has not been sought by the United States. When the proposition contained in the law of May 1st, 1810, was offered equally to both powers, there was cause to presume that Great Britain would have accepted it, in which event the non-importation law would not have operated against her.

It is in the power of the British government, at this time, to enable the president to set the non-importation law aside, by rendering to the United States an act of justice. If Great Britain will cease to violate their neutral rights by revoking her orders in council, on which event alone the president has the power, I am instructed to inform you that he will, without delay, exercise it by terminating the operation of this law.

It is presumed that the communications which I have had the honour to make to you, of the revocation by France of her decrees, so far as they violated the neutral rights of the United States, and of her conduct since the revocation, will present to your government a different view of the subject from that which it had before taken, and produce in its councils a corresponding effect. I have the honour to be, &c.

(Signed)

JAS. MONROE.

Aug. J. Foster, Esq. &c.

*Mr. Foster to Mr. Monroe.*

SIR,

Washington, July 26, 1811.

I have had the honour to receive your letter of July 23d, in answer to mine of the 3d and 14th instant, which, give me leave to say, were not merely relative to his majesty's orders in council, and the blockade of May, 1806, but also to the president's proclamation of last November, and to the subsequent act of congress of March 2d, as well as to the just complaints which his royal highness, the prince regent, had commanded me to make to your government with respect to the proclamation and to that act.

If the United States' government had expected that I should have made communications which would have enabled them to come to

an accommodation with Great Britain, on the ground on which alone you say it was possible to meet us, and that you mean by that expression a departure from our system of defence against the new kind of warfare still practised by France; I am at a loss to discover from what source they could have derived those expectations, certainly not from the correspondence between the Marquis Wellesley and Mr. Pinkney.

Before I proceed to reply to the arguments which are brought forward by you, to show that the decrees of Berlin and Milan are repealed, I must first enter into an explanation upon some points on which you have evidently misapprehended, for I will not suppose you could have wished to misinterpret my meaning.

And first, in regard to the blockade of May, 1806, I must aver, that I am wholly at a loss to find out from what part of my letter it is that the president has drawn the *unqualified* inference, that should the orders in council of 1807, be revoked, the blockade of May, 1806, would cease with them. It is most material that on this point no mistake should exist between us. From your letter it would appear as if, on the question of blockade which America had so unexpectedly connected with her demand for a repeal of our orders in council, Great Britain had made the concession required of her; as if, after all that has passed on the subject, after the astonishment and regret of his majesty's government at the United States having taken up the view which the French government presented, of our just and legitimate principles of blockade which are exemplified in the blockade of May, 1806, the whole ground taken by his majesty's government was at once abandoned. When I had the honour to exhibit to you my instructions, and to draw up, as I conceived, according to your wishes, and those of the president, a statement of the mode in which that blockade would probably disappear, I never meant to authorize such a conclusion, and I now beg most unequivocally to disclaim it. The blockade of May, 1806, will not continue after the repeal of the orders in council, unless his majesty's government shall think fit to sustain it by the special application of a sufficient naval force, and the fact of its being so continued or not, will be notified at the time. If in this view of the matter, which is certainly presented in a conciliatory spirit, one of the obstacles to a complete understanding between our countries can be removed by the United States' government waving all further reference to that blockade, when they can be justified in asking a repeal of the orders, and I may communicate this to my government, it will, undoubtedly, be very satisfactory: but I beg distinctly to disavow having made any acknowledgment that the blockade would cease merely in consequence of a revocation of the orders in council. Whenever it does cease, it will cease because there will be no adequate force applied to maintain it.

On another very material point, sir, you appear to have misconstrued my words; for in no one passage of my letter can I discover any mention of innovations on the part of Great Britain, such as

you say excited a painful surprise in your government. There is no new pretension set up by his majesty's government. In answer to questions of yours as to what were the decrees or regulations of France which Great Britain complained of, and against which she directs her retaliatory measures, I brought distinctly into your view the Berlin and Milan decrees; and you have not denied, because indeed you could not, that the provisions of those decrees were new measures of war on the part of France, acknowledged as such by her ruler, and contrary to the principles and usages of civilized nations. That the present war has been oppressive beyond example by its duration, and the desolation it spreads through Europe, I willingly agree with you, but the United States cannot surely mean to attribute the cause to Great Britain. The question between Great Britain and France is that of an honourable struggle against the lawless efforts of an ambitious tyrant, and America can but have the wish of every independent nation as to its result.

On a third point, sir, I have also to regret that my meaning should have been mistaken. Great Britain never contended that British merchant vessels should be allowed to trade with her enemies, or that British property should be allowed entry into their ports, as you would infer; such a pretension would indeed be preposterous; but Great Britain does contend against the system of terror put in practice by France, by which usurping authority, wherever her arms or the timidity of nations will enable her to extend her influence, she makes it a crime to neutral countries as well as individuals that they should possess articles, however acquired, which may have been once the produce of English industry or of the British soil. Against such an abominable and extravagant pretension, every feeling must revolt; and the honour, no less than the interest, of Great Britain engages her to oppose it.

Turning to the course of argument contained in your letter, allow me to express my surprise at the conclusion you draw in considering the question of priority, relative to the French decrees or British orders in council. It was clearly proved that the blockade of May, 1806, was maintained by an adequate naval force, and therefore was a blockade founded on just and legitimate principles; and I have not heard that it was considered in a contrary light, when notified as such to you by Mr. Secretary Fox, nor until it suited the views of France to endeavour to have it considered otherwise. Why America took up the view the French government chose to give of it, and could see in it grounds for the French decrees, was always matter of astonishment in England.

Your remarks on the modifications at various times, of our system of retaliation, will require the less reply, from the circumstance of the order in council of April, 1809, having superseded them all. They were calculated for the avowed purpose of softening the effect of the original orders on neutral commerce, the incidental effect of those orders on neutrals having been always sincerely regretted.



by his majesty's government ; but when it was found that neutrals objected to them, they were removed.

As to the principle of retaliation, it is founded on the just and natural right of self-defence against our enemy : if France is unable to enforce her decrees on the ocean, it is not from the want of will, for she enforces them wherever she can do it ; her threats are only empty where her power is of no avail.

In the view you have taken of the conduct of America, in her relations with the two belligerents, and in the conclusion you draw with respect to the impartiality of your country, as exemplified in the non-importation law, I lament to say I cannot agree with you. That act is a direct measure against the British trade, enacted at a time when all the legal authorities in the United States appeared ready to contest the statement of a repeal of the French decrees, on which was founded the president's proclamation of November 2d, and consequently to dispute the justice of the proclamation itself.

You urge, sir, that the British government promised to proceed *pari passu* with France in the repeal of her edicts. It is to be wished you could point out to us any step France has taken in the repeal of hers. Great Britain has repeatedly declared that she would repeal when the French did so, and she means to keep to that declaration.

I have stated to you that we could not consider the letter of August 5, declaring the repeal of the French edicts, provided we revoked our orders in council, or America resented our not doing so, as a step of that nature ; and the French government knew that we could not ; their object was, evidently, while their system was adhered to in all its rigour, to endeavour to persuade the American government that they had relaxed from it, and to induce her to proceed in enforcing the submission of Great Britain to the inordinate demands of France. It is to be lamented that they have but too well succeeded ; for the United States' government appear to have considered the French declaration in the sense in which France wished it to be taken, as an absolute repeal of her decrees, without adverting to the conditional terms which accompanied it.

But you assert that no violations of your neutral rights by France occur on the high seas, and that these were all the violations alluded to in the act of Congress of May, 1810. I readily believe, indeed, that such cases are rare, but it is owing to the preponderance of the British navy that they are so. When scarce a ship under the French flag can venture to sea without being taken, it is not extraordinary that they make no captures. If such violations alone were within the purview of your law, there would seem to have been no necessity for its enactment. The British navy might have been safely trusted for the prevention of their occurrence. But I have always believed, and my government has believed, that the American legislators had in view in the provisions of their law, as it re-

spects France, not only her deeds of violence on the seas, but all the novel and extraordinary pretensions and practices of her government which infringed their neutral rights.

We have no evidence, as yet, of any of those pretensions being abandoned. To the ambiguous declaration in Mr. Champagny's note, is opposed the unambiguous and personal declaration of Bonaparte himself. You urge that there is nothing incompatible with the revocation of the decrees, in respect to the United States, in his expression to the deputies from the free cities of Hamburg, Bremen, and Lubeck; that it is distinctly stated in that speech *that the blockade of the British islands shall cease when the British blockades cease*, and that the French blockade shall cease in favour of those nations in whose favour Great Britain revokes hers, or who support their rights against her pretension.

It is to be inferred from this and the corresponding parts of the declaration alluded to, that unless Great Britain sacrifices her principles of blockade, which are those authorized by the established law of nations, France will still maintain her decrees of Berlin and Milan, which indeed the speech in question declares to be the fundamental laws of the French empire.

I do not, I confess, conceive how these avowals of the ruler of France can be said to be compatible with the repeal of his decrees in respect to the United States. If the United States are prepared to insist on the sacrifice by Great Britain of the ancient and established rules of maritime war practised by her, then, indeed, they may avoid the operation of the French decrees; but otherwise, according to this document, it is very clear that they are still subjected to them.

The decree of Fontainebleau is confessedly founded on the decrees of Berlin and Milan, dated the 10th October, 1810, and proves their continued existence. The report of the French minister of December 8, announcing the perseverance of France in her decrees, is still further in confirmation of them, and a re-perusal of the letter of the minister of justice of the 25th last December, confirms me in the inference I drew from it; for, otherwise, why should that minister make the prospective restoration of American vessels taken after the 1st November, to be a consequence of the non-importation, and not of the French revocation. If the French government had been sincere, they would have ceased infringing on the neutral rights of America after the first November: that they violated them, however, after that period, is notorious.

Your government seem to let it be understood that an ambiguous declaration from Great Britain, similar to that of the French minister, would have been acceptable to them. But, sir, is it consistent with the dignity of a nation that respects itself to speak in ambiguous language? The subjects and citizens of either country would, in the end, be the victims, as many are already, in all probability, who, from a misconstruction of the meaning of the French government, have been led into the most imprudent speculations. Such

conduct would not be to proceed *pari passu* with France in revoking our edicts, but to descend to the use of the perfidious and juggling contrivances of her cabinet, by which she fills her coffers at the expence of independent nations. A similar construction of proceeding *pari passu* might lead to such decrees as those of Rambouillet or of Bayonne, to the system of exclusion or of licenses; all measures of France against the American commerce, in nothing short of absolute hostility.

It is urged that no vessel has been condemned by the tribunals of France on the principles of her decrees since the 1st November. You allow, however, that there have been some detained since that period, and that such part of the cargoes as consisted of goods not the produce of America was seized, and the other part, together with the vessel itself, only released after the president's proclamation became known in France. These circumstances surely only prove the difficulty that France is under in reconciling her anti-commercial and anti-neutral system with her desire to express her satisfaction at the measures taken in America against the commerce of Great Britain. She seizes in virtue of the Berlin and Milan decrees, but she makes a partial restoration for the purpose of deceiving America.

I have now followed you, I believe, sir, through the whole range of your argument, and on reviewing the course of it, I think I may securely say, that no satisfactory proof has as yet been brought forward of the repeal of the obnoxious decrees of France; but, on the contrary, that it appears they continue in full force, consequently that no grounds exist on which you can with justice demand of Great Britain a revocation of her orders in council; that we have a right to complain of the conduct of the American government, in enforcing the provisions of the act of May, 1810, to the exclusion of the British trade, and afterwards in obtaining a special law for the same purpose, though it was notorious at the time that France still continued her aggressions upon American commerce, and had recently promulgated anew her decrees, suffering no trade from this country but through licenses publicly sold by her agents, and that all the suppositions you have formed of innovations on the part of Great Britain, or of her pretensions to trade with her enemies, are wholly groundless. I have also stated to you the view his majesty's government has taken of the question of the blockade of May, 1806, and it now only remains that I urge afresh the injustice of the United States' government persevering in their union with the French system, for the purpose of crushing the commerce of Great Britain.

From every consideration which equity, good policy or interest can suggest, there appears to be such a call upon America to give up this system which favours France to the injury of Great Britain, that I cannot, however little satisfactory your communications, as yet abandon all hopes that even before the congress meet, a new

view may be taken of the subject by the president, which will lead to a more happy result. I have the honour to be, &c.

(Signed)

AUG. J. FOSTER.

The honorable James Monroe, &c.

*Mr. Monroe to Mr. Foster.*

Department of State, October 1, 1811.

SIR,

I have had the honour to receive your letter of the 26th of July, and to submit it to the view of the president.

In answering that letter, it is proper that I should notice a complaint that I had omitted to reply in mine of the 23d of July, to your remonstrance against the proclamation of the president of November last, and to the demand which you had made, by the order of your government, of the repeal of the non-importation act of March 2d of the present year.

My letter has certainly not merited this imputation.

Having shown the injustice of the British government in issuing the orders in council on the pretext assigned, and its still greater injustice in adhering to them after that pretext had failed, a respect for Great Britain, as well as for the United States, prevented my placing in the strong light in which the subject naturally presented itself, the remonstrance alluded to, and the extraordinary demand founded on it, that while your government accommodated in nothing, the United States should relinquish the ground, which, by a just regard to the public rights and honour, they had been compelled to take. Propositions tending to degrade a nation can never be brought into discussion by a government not prepared to submit to the degradation. It was for this reason that I confined my reply to those passages in your letter, which involved the claim of the United States, on the principles of justice, to the revocation of the orders in council. Your demand, however, was neither unnoticed nor unanswered. In laying before you the complete, and as was believed, irresistible proof on which the United States expected, and called for the revocation of the orders in council, a very explicit answer was supposed to be given to that demand.

Equally unfounded is your complaint that I misunderstood that passage which claimed, as a condition of the revocation of the orders in council, that the trade of Great Britain with the continent should be restored to the state in which it was before the Berlin and Milan decrees were issued. As this pretension was novel and extraordinary, it was necessary that a distinct idea should be formed of it, and, with that view, I asked such an explanation as would enable me to form one.

In the explanation given, you do not insist on the right to trade in British property with British vessels, directly with your enemies. Such a claim you admit would be preposterous. But you do insist by necessary implication that France has no right to inhibit the importation into her ports of British manufactures, or the produce

of the British soil, when the property of neutrals; and that, until France removes that inhibition, the United States are to be cut off by Great Britain from all trade whatever with her enemies.

On such a pretension it is almost impossible to reason. There is, I believe, no example of it in the history of past wars. Great Britain, the enemy of France, undertakes to regulate the trade of France; nor is that all; she tells her that she must trade in British goods. If France and Great Britain were at peace, this pretension would not be set up, nor even thought of. Has Great Britain then acquired, in this respect, by war, rights which she has not in peace? And does she announce to neutral nations, that unless they consent to become the instruments of this policy, their commerce shall be annihilated, their vessels shall be shut up in their own ports?

I might ask whether French goods are admitted into Great Britain, even in peace, and if they are, whether it be of right, or by the consent and policy of the British government.

That the property would be centralized does not affect the question. If the United States have no right to carry their own productions into France without the consent of the French government, how can they undertake to carry there those of Great Britain? In all cases it must depend on the interest and the will of the party.

Nor is it material to what extent, or by what powers, the trade to the continent is prohibited. If the powers who prohibit it are at war with Great Britain, the prohibition is a necessary consequence of that state. If at peace, it is their own act, and whether it be voluntary or compulsive, they alone are answerable for it. If the act be taken at the instigation and under the influence of France, the most that can be said is, that it justifies reprisal against them by a similar measure; on no principle whatever can it be said to give any sanction to the conduct of Great Britain towards neutral nations.

The United States can have no objection to the employment of their commercial capital in the supply of France, and of the continent generally, with manufactures, and to comprise in the supply those of Great Britain, provided those powers will consent to it. But they cannot undertake to force such supplies on France or on any other power, in compliance with the claim of the British government, on principles incompatible with the rights of every independent nation, and they will not demand in favour of another power, what they cannot claim for themselves.

All that Great Britain could with reason complain of, was the inhibition by the French decrees, of the lawful trade of neutrals with the British dominions. As soon as that inhibition ceased, her inhibition of our trade with France ought in like manner to have ceased. Having pledged herself to proceed *pari passu* with France, in the revocation of their respective acts violating neutral rights, it has afforded just cause of complaint, and even of astonishment, to the United States, that the British government should have sanctioned the seizure and condemnation of American vessels, under

the orders in council, after the revocation of the French decrees were announced, and even in the very moment when your mission, avowed to be conciliatory, was to have its effect. I will only add, that had it appeared finally, that France had failed to perform her engagement, it might at least have been expected, that Great Britain would not have molested such of the vessels of the United States as might be entering the ports of France, on the faith of both governments, till that failure was clearly proved.

To many insinuations in your letter, I make no reply, because they sufficiently suggest the only one that would be proper.

If it were necessary to dwell on the impartiality which has been observed by the United States towards the two belligerents, I might ask, whether, if Great Britain had accepted the condition which was offered equally to her and France, by the act of May 1, 1810, and France had rejected it, there is cause to doubt that the non-importation act would have been carried into effect against France? No such doubt can possibly exist, because, in a former instance, when this government, trusting to a fulfilment by yours, of an arrangement which put an end to a non-intercourse with Great Britain, the non-intercourse was continued against France, who had not then repealed her decrees, as it was not doubted that England had done. Has it not been repeatedly declared to your government, that if Great Britain would revoke her orders in council, the president would immediately cause the non-importation to cease? You well know that the same declaration has been often made to yourself, and that nothing is wanting to the removal of the existing obstructions to the commerce between the two countries, than a satisfactory assurance, which will be received with pleasure from yourself, that the orders in council are at an end.

By the remark in your letter of the 3d of July, that the blockade of May, 1806, had been included in the more comprehensive system of the orders in council of the following year, and that, if that blockade should be continued in force, after the repeal of the orders in council, it would be in consequence of the special application of a sufficient naval force; I could not but infer your idea to be, that the repeal of the orders in council would necessarily involve the repeal of the blockade of May. I was the more readily induced to make this inference from the consideration, that if the blockade was not revoked by the repeal of the orders in council, there would be no necessity for giving notice that it would be continued, as by the further consideration, that according to the decision of your court of admiralty, a blockade instituted by proclamation, does not cease by the removal of the force applied to it, nor without a formal notice by the government to that effect.

It is not, however, wished to discuss any question relative to the mode by which that blockade may be terminated. Its actual termination is the material object for consideration.

It is easy to show, and it has already been abundantly shown, that the blockade of May, 1806, is inconsistent in any view that

may be taken of it, with the law of nations. It is also easy to show that, as now expounded, it is equally inconsistent with the sense of your government when the order was issued, and this change is a sufficient reply to the remarks which you have applied to me personally.

If you will examine the order, you will find that it is strictly little more than a blockade of the coast from the Seine to Ostend. There is an express reservation in it, in favour of neutrals to any part of the coast between Brest and the Seine, and between Ostend and the Elbe. Neutral powers are permitted by it to take from their own ports every kind of produce without distinction, as to its origin, and to carry it to the continent, under that limitation, and with the exception only of contraband of war and enemy's property, and to bring thence to their own ports, in return, whatever articles they think fit. Why were contraband of war and enemy's property excepted, if a commerce, even in those articles, would not otherwise have been permitted under the reservation? No order was necessary to subject them to seizure; they were liable to it by the law of nations, as asserted by Great Britain.

Why then did the British government institute a blockade which, with respect to neutrals, was not vigorous as to the greater part of the coast comprised in it? If you will look to the state of things which then existed between the United States and Great Britain, you will find the answer—a controversy had taken place between our governments on a different topic, which was still depending. The British government had interfered with the trade between France and her allies, in the produce of their colonies. The just claim of the United States was then a subject of negotiation, and your government, professing its willingness to make a satisfactory arrangement of it, issued the order which allowed the trade, without making any concession as to the principle, reserving that for adjustment by treaty. It was in this light that I viewed, and in this sense that I represented that order to my government, and in no other did I make any comment on it.

When you reflect that this order, by allowing the trade of neutrals in colonial productions to all that portion of the coast which was not rigorously blockaded, afforded to the United States an accommodation in a principal point then at issue between our governments, and of which their citizens extensively availed themselves; that that trade, and the question of blockade, and every other question in which the United States and Great Britain were interested, were then in a train of amicable negotiation; you will, I think, see the cause why the minister, who then represented the United States with the British government, did not make a formal complaint against it. You have appealed to me, who happened to be that minister, and urged my silence as an evidence of my approbation of, or at least acquiescence in the blockade: an explanation of the cause of that supposed silence, is not less due to myself than to the true character of the transaction. With the

minister with whom I had the honour to treat, I may add, that an official formal complaint was not likely to be resorted to, because friendly communications were invited and preferred. The want of such a document is no proof that the measure was approved by me, or that no complaint was made.

• In recalling to my mind, as this incident naturally does, the manly character of that distinguished and illustrious statesman, and the confidence with which he inspired all those with whom he had to treat, I shall be permitted to express, as a slight tribute of respect to his memory, the very high consideration in which I have always held his great talents and virtues.

The United States have not, nor can they approve the blockade of an extensive coast. Nothing certainly can be inferred from any thing that has passed relative to the blockade of May, 1806, to countenance such an inference.

It is seen with satisfaction that you still admit that the application of an adequate force is necessary to give a blockade a legal character, and that it will lose that character, whenever that adequate force ceases to be applied. As it cannot be alleged that the application of any such adequate force has been continued and actually exists, in the case of the blockade of May, 1806, it would seem to be a fair inference that the repeal of the orders in council will leave no insuperable difficulty with respect to it. To suppose the contrary would be to suppose that the orders in council, said to include that blockade, resting themselves on a principle of retaliation only, and not sustained by the application of an adequate force, would have the effect of sustaining a blockade, admitted to require the application of an adequate force, until such adequate force should actually take the place of the orders in council. Whenever any blockade is instituted, it will be a subject for consideration, and if the blockade be in conformity to the law of nations, there will be no disposition in this government to contest it.

I have the honour to be, &c.

(Signed)

JAS. MUNROE.

Aug. J. Foster, Esq. &c.

*Mr. Munroe to Mr. Foster.*

Department of State, October 17th, 1811.

SIR,

I have the honour to communicate to you a copy of two letters from the charge d'affaires of the United States of Paris, to their charge d'affaires at London, and a copy of a correspondence of the latter with the Marquis of Wellesley on the subject. By this it will be seen that Mr. Smith was informed by the Marquis of Wellesley, that he should transmit to you a copy of the communication from Paris, that it might have full consideration in the discussion depending here.

Although an immediate repeal was to have been expected from your government, on the receipt of this communication, if the new proof which it affords of the French repeal was satisfactory; yet



it will be very agreeable to learn that you are now authorized to concur in an arrangement that will terminate both the orders in council and the non-importation act. I have the honour to be, &c.

(Signed)

JAS. MONROE.

Augustus J. Foster, Esq. &c. &c. &c.

P. S. Hearing that you will not be in town for several days, this letter, and one bearing date on the 1st of this month, which I had prepared, and intended to deliver to you on my return here, are forwarded by a special messenger.

*Mr. Russel to Mr. J. S. Smith.*

Paris, July 5, 1811.

SIR,

I observe by your letter of the 7th ultimo, your solicitude to obtain evidence of the revocation of the Berlin and Milan decrees.

On the 5th of August last the Duke of Cadore announced to General Armstrong, that these decrees were revoked, and that they would cease to operate on the 1st of November. Since the 1st of November these decrees have not, to my knowledge, in any instance been executed to the prejudice of American property arriving since that time; on the contrary, the *Grace Ann Greene*, coming clearly within the penal terms of those decrees, had they continued in force, was liberated in December last, and her cargo admitted in April. This vessel had, indeed, been taken by the English, and retaken from them; but as this circumstance is not assigned here as the cause of the liberation of this property, it ought not to be presumed to have operated alone as such.

Whatever special reasons may be supposed for the release of the *Grace Ann Greene*, that of the New Orleans Packet must have resulted from the revocation of the French edicts.

The New Orleans Packet had been boarded by two English vessels of war, and had been sometime at an English port, and thus doubly transgressed against the decrees of Milan. On arriving at Bordeaux, she was in fact seized by the director of the customs, and these very transgressions expressly assigned as the cause of seizure. When I was informed of this precipitate act of the officer at Bordeaux, I remonstrated against it on the sole ground that the decrees under which it was made, had been revoked. This remonstrance was heard. All further proceedings against the New Orleans Packet were arrested, and on the 9th of January, both the vessel and cargo were ordered to be placed at the disposition of the owners, on giving bond. This bond has since been cancelled by an order of the government; and thus the liberation of the property perfected. The New Orleans Packet has been some time waiting in the Garonne, with her return cargo on board, for an opportunity only of escaping the English orders in council.

I know of no other American vessel arrived voluntarily in the empire of France, or the kingdom of Italy, since 1st of November,

to which the decrees of Berlin and Milan could be applied. I am, sir, very respectfully, your obedient servant,

(Signed)

JONA. RUSSEL.

J. S. Smith, Esq. Charge d'Affaires, London.

*Mr. Russel to Mr. J. S. Smith.*

Paris, July 14, 1811.

SIR,

I had the honour to address to you, on the 5th instant, a brief account of the Grace Ann Greene and of the New Orleans Packet. The proofs which these cases furnish, especially the latter, ought, when unopposed, as it is, by any conflicting circumstance, to be considered as conclusive of the revocation of the French edicts, to which, if continued in force, these cases would have been liable. In addition, however, to this evidence, I have now the satisfaction to communicate to you the liberation of the Two Brothers, the Good Intent, and the Star, three American vessels captured since the 1st of November, and brought into this empire, or into ports under its control. I should have no doubt been able to have announced the release, by one general decision, of every American vessel captured since that period, if the only enquiry were whether or not they had violated the Berlin and Milan decrees. Unfortunately, however, the practices of late years render the question of property extremely difficult to be satisfactorily decided amidst false papers and false oaths. After the most minute and tedious investigation, it often remains doubtful whether this property belongs to a neutral or an enemy. The time employed in this investigation has surely no connexion with the Berlin and Milan decrees, and cannot be considered as evidence of their continuance.

It is possible that these decrees may be kept in force in their municipal character, and be applied for the confiscation of English merchandise on the continent; and to prevent their performing this function does not appear to be a concern of the United States, nor can the measure adopted in retaliation of it, on the part of England, be justly extended beyond its limits, and made to reach an unoffending neutral power, which the act of her enemy does not affect.

It is sufficient for us, that the Berlin and Milan decrees have ceased to be executed on the high seas, and if the orders in council still continue to operate there, they surely are not supported by any principle of the law of retaliation, but must be considered as a simple and unqualified violation of our neutral and national rights.

The proof now before you of the revocation of the Berlin and Milan decrees, consists in the precise and formal declarations of this government—in its discontinuance to execute them to our prejudice in a single instance—in its having exempted from their operation every vessel arriving spontaneously since the 1st of November, to which they could be applied, and every vessel forcibly

brought in since that time, on which there has been a decision. After such evidence to pretend to doubt of their revocation with regard to us, would seem to be the result of something more than mere incredulity. With much respect, I am, sir, &c. &c.

(Signed)

JONA. RUSSEL.

J. S. Smith, Esq. Charge d'Affaires, London.

*Mr. J. S. Smith to the Marquis Wellesley.*

Bentinck Street, July 23d, 1811.

MY LORD,

The letter which I have the honour to present to your lordship, has been just received by me from Mr. Russel. So full and complete is this document, that I conceive it quite unnecessary to add any comments or remarks of my own. I shall, however, have much pleasure in furnishing any other explanations in my power, either verbal or written, that your lordship may desire.

Any doubts that may have existed here of the effectual repeal of the decrees of Berlin and Milan will now, I feel assured, be completely removed; and I feel equally confident that this revocation of the French edicts will be immediately followed by that of the orders in council, which affect the neutral commerce of the United States. I need not assure your lordship of the great satisfaction I shall have in communicating this event to my government.

As the "orders in council" have been ever declared by his majesty's government to be only of a retaliating character, and that they would cease to have any effect when the causes upon which they were founded had ceased to exist, I trust that no argument is necessary to show (if your lordship shall feel the force with which the accompanying document unequivocally demonstrates the abandonment, on the part of France, of her decrees,) that the "orders in council" should be so revoked as to embrace the American vessels that have been captured by British cruizers since the 1st of November, the period at which the French edicts were revoked.

I have the honour to subjoin to this the circumstances of the two vessels to which Mr. Russel alludes in his letter.

The *Grace Ann Greene* had been captured by an English cruizer, was retaken by her own crew, and arrived at Marseilles, where vessel and cargo were, notwithstanding, admitted.

The *New Orleans Packet* had been boarded by two English cruizers, and had been also at an English port, thus doubly transgressing against the French edicts. She arrived at Bordeaux, was seized by the director of the customs for these very transgressions; but, on the remonstrance of Mr. Russel, was immediately released, and has been admitted, vessel and cargo. I have the honour, &c.

(Signed)

J. S. SMITH.

The most noble the Marquis Wellesley.

*Marquis Wellesley to J. S. Smith, Esq.*

Foreign Office, August 8, 1811.

SIR,

Your letter of the 23d ultimo has been under the consideration of his royal highness, the prince regent, and has received all the attention to which it is entitled.

I am commanded by his royal highness to acquaint you, that he has thought fit to postpone the answer to your letter until advices, which are hourly expected, from Mr. Foster, shall have been received. I have the honour to be, with great respect and consideration, sir, your most obedient and humble servant,

(Signed)

WELLESLEY.

J. S. Smith, Esq. &c.

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*Lord Wellesley to J. S. Smith, Esq.*

Foreign Office, August 14, 1811.

SIR,

Since the date of my last letter, I have the honour to inform you, that I have received a letter from Mr. Foster, his majesty's minister in America, by which it appears that he had actually commenced a negotiation with the government of the United States, respecting the British orders in council. His dispatches containing the particulars of the negotiation, have not yet reached me. Under these circumstances, I have transmitted a copy of your letter, together with its enclosure, to Mr. Foster, in order that those documents may receive full consideration in the progress of the discussions now depending in America. I have the honour to be, &c.

(Signed)

WELLESLEY.

J. S. Smith, Esq. &c.

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*Mr. Foster to Mr. Monroe.*

Washington, October 22, 1811.

SIR,

I had the honour to receive your letter of the 17th instant, together with its three enclosures, on the road between Baltimore and this city; I had that of receiving, at the same time, your letter dated October 1, in answer to mine of the 26th of last July.

Not having had any dispatches from his majesty's government lately, I have not as yet received the copy of the recent communication from Paris, in regard to the supposed repeal of the French decrees, which the charge d'affaires of the United States at London has intimated to you that he understood the Marquis Wellesley intended to transmit to me, and which I conclude is the same as that contained in the letter of Mr. Russel, the American charge d'affaires in France. I am, however, in daily expectation of the arrival of his majesty's packet boat, when it will, in all probability, reach me, and when, if I should receive any fresh instructions in consequence, I will not fail immediately to acquaint you. In the mean while, however, I beg you will permit me to make some re-

marks in reply to your letter of October 1, being extremely anxious to do away the impression which you seem to have received relative to the demand I had made for the repeal of the non-importation act of the present year.

It is, I assure you, sir, with very great regret that I find you consider that demand as involving in any degree propositions tending to degrade your nation. Such an idea certainly never existed with his majesty's government, nor would it be compatible with the friendly sentiments entertained by them for the United States; neither could I have suffered myself to be the channel of conveying a demand which I thought had such a tendency. However you may view the demand made on the part of Great Britain, I can safely say, that it was made in consequence of its appearing to his majesty's government, on strong evidence, that the chief of the French nation had really deceived America as to the repeal of his decrees, and in the hopes that the United States' government would therefore see the justice of replacing this country on its former footing of amicable relations with England; nothing appearing to be more natural than such an expectation, which seemed a necessary consequence of the disposition expressed by America to maintain her neutrality, and desirable in every other point of view. I cannot, indeed, bring myself to think, sir, that your candour would allow you, on a reconsideration, to put any other construction on the matter, and had my arguments had sufficient weight with you in showing that the French decrees were still in force, I cannot doubt but you would have agreed with me in the conclusion I drew. It would seem therefore only owing to your not viewing the deceitful conduct of the French government in the same light that it appears to his majesty's government, that a difference of opinion exists between us as to the proposal I made, which, under the conviction entertained by them, was surely a very just and natural one.

From the earnest desire of vindicating myself and my government from the charge of making any degrading or unjust demands on that of America, I have taken the liberty to trouble you so far, and I will now proceed to show why I thought you had misunderstood the passage of my letter which related to the extent in which the repeal of the French decrees was required by Great Britain. In the explanation which you desired on this point, I gave you that which the Marquis Wellesley gave to Mr. Pinkney, in answer to his letter of August 25, 1810, and I beg to refer you to the message of the president of the United States, on the opening of congress in December, 1810, for a proof that the demand of Great Britain, in the extent in which I have stated it, was known to your government several months ago; how was I, therefore, to suppose, in the term innovations, as applied to the explanation given by me, that you could mean otherwise than some really new pretension on the part of Great Britain, such as that France should suffer British property to be carried into her ports for the purposes of trade. If the warmth I was betrayed into, in endeavouring to refute a

supposed imputation of this sort, gave any offence, I sincerely regret it; and I will beg permission here to say, sir, that if unconsciously I have, by any of my remarks, led you to suppose they conveyed any improper insinuations, as one paragraph of your letter would appear to imply, I am most unfeignedly sorry for it, as I entertain the highest respect for you personally and for your government, and could only have meant what I wrote in the way of argument, or for the purpose of contrasting the proceedings of France in her conduct towards the United States with that of Great Britain.

In reverting to the extraordinary and unprecedented situation of things that have arisen out of the war in Europe, it would seem needless to repeat the evidence there is that the lawless and unbounded ambition of the ruler of France has been the origin of it, and it cannot be a secret to the United States' government, that his plan has been, and avowedly continues to be, not to scruple at the violation of any law, provided he can thereby overthrow the maritime power of England. Is it not, therefore, reasonable in Great Britain to distrust an ambiguous declaration of his having suddenly given up any part of a system which he thought calculated to produce such an effect? You say, however, that the decrees of Berlin and Milan are revoked. America, as not being at war, and, therefore, not seeing so nearly into the views of France, may be less scrupulous as to the evidence necessary to prove the fact; but, sir, it surely cannot be expected that Great Britain, who is contending for every thing that is dear to her, should not require more proof on a point so material to her. It is undoubtedly a very desirable thing for the United States to have a free and unrestricted trade with both belligerents, but the essential security and most important interests of America are not involved in the question as are those of Great Britain. France has levelled a blow which she hopes will prove deadly to the resources of Great Britain, and before the British government can, with safety, give up the measures of defence in consequence adopted by them, very strong proof must exist of the cessation, by France, of her novel and unprecedented measures.

I confess, sir, with the sincerest disposition to discover on the part of the ruler of France, a return to the long established practice of warfare as exercised in civilized Europe, I have been unable to succeed: and if the French government had really meant to withdraw their obnoxious decrees, it is inconceivable why, instead of allowing their intention to be guessed at or inferred, they should not openly and in plain language have declared so: the decrees themselves having been clearly enough announced on their enactment, why should not their revocation be equally explicit.

While, however, numerous declarations have been made on the part of France, of the continued existence of the decrees, and captures made under them of neutral ships have occurred, a few of the American vessels seized since November 1, have been restored,

and the foregoing, a very small part of his plunder, is desired by Bonaparte to be considered as a proof of the sincerity of his revocation by America; but it must be recollected, that besides the object of ruining the British resources, by his own unauthorized regulations, he has also that of endeavouring to obtain the aid of the United States for the same purpose, and hereto you will, as I had the honour to remark in a former letter, be able to observe the cause of the apparently contradictory language held both by himself and his ministers.

I should be extremely happy to receive from you, sir, the information that in a frank and unambiguous manner the chief of the French government had revoked his decrees. Why he should not do so is inexplicable, if he means to revert to the ordinary rules of war; but while he exercises such despotic sway wherever his influence extends, to ruin the resources of England, it cannot be expected that Great Britain shall not use the means she possesses for the purpose, & making him feel the pressure of his own system. There is every reason to believe that ere long the effects on the enemies of Great Britain, will be such as irresistibly to produce a change which will place commerce on its former basis. In the mean time, sir, I hope you will not think it extraordinary if I should contend that the seizure of American ships by France, since November 1, and the positive and unqualified declarations of the French government, are stronger proofs of the continued existence of the French decrees, and the bad faith of the ruler of France, than the restoration of five or six vessels, too palpably given up for fallacious purposes, or in testimony of his satisfaction at the attitude taken by America, is a proof of their revocation, or of his return to principles of justice.

I will only repeat, sir, in answer to your observations on the late condemnation of the ships taken under his majesty's orders in council, what I have already had the honour to state to you, that the delay which took place in their condemnation, was not a consequence of any doubt existing in his majesty's government, as to whether the French decrees were revoked, as you seem to imagine, but in consequence of its being thought that the American government upon its appearing that they were deceived by France, would have ceased their injurious measures against the British commerce. A considerable time elapsed before the decision took place on those ships, and there is no doubt, but that had the United States' government not persisted in their unfriendly attitude towards Great Britain, on discovering the ill faith of France, a spirit of conciliation in his majesty's government would have caused their release.

In reply to your observations, on these pretensions of Great Britain relative to the revocation of the French decrees, I beg to repeat that the sum of the demands made by England is, that France should follow the established laws of warfare as practised in former wars in Europe. Her ruler, by his decrees of Berlin and Milan, declared himself no longer bound by them: he has openly renounced

them in his violent efforts to ruin the resources of Great Britain, and has trampled on the rights of independent nations to effect his purpose. If the French government make use of means of unprecedented violence, to prevent the intercourse of England with unoffending neutrals, can it be expected that England should tamely suffer the establishment of such a novel system of war without retaliation, and endeavouring in her turn to prevent the French from enjoying the advantages of which she is unlawfully deprived.

Having explained, already, the situation in which the question of the blockade of May, 1806, rests, according to the views of his majesty's government, and the desire of Great Britain to conduct her system of blockade according to the laws of nations, I will only advert to it on this occasion, for the purpose of taking the liberty of acknowledging to you the very great pleasure I received from the highly honourable mark of respect which you have taken the occasion to express for the illustrious statesman from whose counsels that measure emanated.

I need not repeat to you, sir, what sincere satisfaction it would give me if, without the sacrifice of the essential rights, and interests of Great Britain, all the points in discussion between our two countries could be finally adjusted. I have the honour to be, &c.

(Signed)

AUG. J. FOSTER.

To the Honourable James Monroe, &c.

*Mr. Monroe to Mr. Foster.*

Department of State, October 29, 1811.

SIR,

I have had the honour to receive your letter of the 22d of this month, and to lay it before the president.

The assurance which you have given of your disposition to reciprocate, in our communications on the important subjects depending between our governments, the respectful attention which each has a right to claim, and that no departure from it was intended in your letter of the 26th July, has been received with the satisfaction due to the frank and conciliatory spirit in which it was made.

I learn, however, with much regret, that you have received no instructions from your government, founded on the new proof of the revocation of the Berlin and Milan decrees, which was communicated to the Marquis of Wellesley, by the American charge d'affaires at London, in a document of which I had the honour to transmit to you a copy. It might fairly have been presumed, as I have before observed, that the evidence afforded by that document, of the complete revocation of those decrees, so far as they interfered with the commerce of the United States with the British dominions, would have been followed by an immediate repeal of the orders in council. From the reply of the Marquis of Wellesley, it was at least to have been expected that no time had been lost in transmitting that document to you, and that the instructions accompanying it would have manifested a change in the sentiments



of your government on the subject. The regret, therefore, cannot but be increased, in finding that the communication, which I had the honour to make to you, has not even had the effect of suspending your efforts to vindicate the perseverance of your government in enforcing those orders.

I regret also to observe, that the light in which you have viewed this document, and the remarks which you have made on the subject generally, seem to preclude any other view of the conditions on which those orders are to be revoked, than those that were furnished by your former communications. You still adhere to the pretension that the productions and manufactures of Great Britain, when neutralized, must be admitted into the ports of your enemies. This pretension, however vague the language heretofore held by your government, particularly by the Marquis of Wellesley in his communications with Mr. Pinkney on the subject, was never understood to have been embraced. Nothing, indeed, short of the specific declarations which you have made, would have induced a belief that such was the case. I have the honour to be, &c. &c.

(Signed)

JAS. MONROE.

Augustus J. Foster, Esquire, &c. &c. &c.

*Mr. Foster to Mr. Monroe.*

Washington, October 31, 1811.

SIR,

I did not reply at great length to the observations contained in your letter of the 1st instant, on the pretensions of Great Britain as relative to the French system, because you seemed to me to have argued as if but a part of the system continued, and even that part had ceased to be considered as a measure of war against Great Britain. Forgive to have allowed this, would have been at once to allow in the face of facts that the decrees of France were repealed, and that her unprecedented measures, avowedly pursued in defiance of the laws of nations, were become mere ordinary regulations of trade. I therefore thought fit to confine my answer to your remarks, to a general statement of the sum of the demands of Great Britain, which was, that France should, by effectually revoking her decrees, revert to the usual method of carrying on war as practised in civilized Europe.

The pretension of France to prohibit all commerce in articles of British origin, in every part of the continent, is one among the many violent innovations which are contained in the decrees, and which are preceded by the declaration of their being founded on a determination of the ruler of France, as he himself avowed, to revert to the principles which characterized the barbarism of the dark ages, and to forget all ideas of justice and even the common feelings of humanity in the new method of carrying on war adopted by him.

It is not, however, a question with Great Britain of mere commercial interest, as you seem to suppose, which is involved in the attempt by Bonaparte to blockade her both by sea and land, but

one of feeling and of national honour, contending as we do against the principles which he professes in his new system of warfare. It is impossible for us to submit to the doctrine that he has a right to compel the whole continent to break off all intercourse with us, and to seize upon vessels belonging to neutral nations, upon the sole plea of their having visited an English port, or of their being laden with articles of British or colonial produce, in whatsoever manner acquired.

This pretension, however, is but a part of that system, the whole of which, under our construction of the letter of M. Champagny, of August 5, 1810, corroborated by many subsequent declarations of the French government, and not invalidated by any unequivocal declaration of a contrary tenor, must be considered as still in full force.

In the communication which you lately transmitted to me, I am sorry to repeat that I was unable to discover any facts which satisfactorily proved that the decrees had been actually repealed, and I have already repeatedly stated the reasons which too probably led to the restoration of a few of the American ships taken in pursuance of the Berlin and Milan decrees after November 1. Mr. Russel does not seem to deny that the decrees may still be kept in force, only he thinks they have assumed a municipal character; but in M. Champagny's declaration, ambiguous as it was, there is no such division of them into two different characters; for if the contingency required by the French minister took place, the Berlin and Milan decrees were to cease, according to his expression, without any qualification. If, therefore, a part of them remain, or be revived again, as seems to be allowed even here, why may not the whole be equally so? Where proof can be obtained of their existence we have it; namely, in the ports of France in which vessels have been avowedly seized under their operation since November 1. Of their maritime existence we cannot so easily obtain evidence, because of the few French ships of war which venture to leave their harbours. Who can doubt, however, but that, had the ruler of France a navy at his command equal to the enforcing of his violent decrees, he would soon show that part of them to be no dead letter. The principle is not the less obnoxious because it is from necessity almost dormant for the moment, nor ought it therefore to be less an object to be strenuously resisted.

Allow me, sir, here to express my sincere regret that I have not as yet been able to convince you, by what I cannot but consider the strongest evidence, of the continued existence of the French decrees, and consequently of the unfriendly policy of your government in enforcing the non-importation against us and opening the trade with our enemies. His Royal Highness will, I am convinced, learn with unfeigned sorrow, that such continues to be still the determination of America, and whatever restrictions on the commerce enjoyed by America in his Majesty's dominions may ensue on the part of Great Britain, as retaliatory on the refusal by your government to admit the productions of Great Britain while they open

their harbours to those of his Majesty's enemies, they will, I am persuaded, be adopted with sincere pain, and with pleasure relinquished whenever this country shall resume her neutral position and impartial attitude between the two belligerents.

I have the honour to be, &c. &c. &c.  
 (Signed) AUG. J. FOSTER.  
 The Honourable James Monroe, &c.

## CORRESPONDENCE

*Between Mr. Monroe and Mr. Foster, relative to the Floridas.*

*From Foster to Mr. Monroe.*

SIR,

Washington, July 2, 1811.

The attention of his Majesty's government has of late been called to the measures pursued by the United States, for the military occupation of West Florida. The language held by the president, at the opening of the late session of congress, the hostile demonstrations made by the American forces under Captain Gaines, the actual summoning of the fort of Mobile, and the bill submitted to the approbation of the American legislature, for the interior administration of the province, are so many direct and positive proofs that the government of America is prepared to subject the province of West Florida to the authority of the United States.

The Spanish minister in London addressed a note, in the month of March last, to his Majesty's secretary of state for foreign affairs, expressing in sufficient detail the feelings of the government of Spain, respecting this unprovoked aggression on the integrity of that monarchy.

Mr. Morieuz in his note to Mr. Smith of December 15, 1810, has already reminded the American government of the intimate alliance subsisting between his Majesty and Spain, and he has desired such explanations on the subject, as might convince his Majesty of the pacific disposition of the United States towards Spain. Mr. Smith in his reply has stated, it was evident that no hostile or unfriendly purpose was entertained by America towards Spain; and that the American minister at his Majesty's court, had been enabled to make whatever explanations might comport with the frank and conciliatory spirit which had been invariably manifested on the part of the United States.

Since the date of this correspondence Mr. Pinkney has offered no explanation whatever, of the motives which have actuated the conduct of the United States in this transaction; a bill has been introduced into congress for the establishment, government, and protection of the territory of the Mobile, and the fortress of that name has been summoned without effect.

His Royal Highness, the Prince Regent, in the name and on the behalf of his Majesty, is still willing to hope, that the American government has not been urged to this step by ambitious motives, or by a desire of foreign conquest, and territorial aggrandizement. It would be satisfactory, however, to be enabled to ascertain that no consideration, connected with the present state of Spain, has induced America to despoil that monarchy of a valuable foreign colony.

The government of the United States contends that the right to the possession of a certain part of West Florida, will not be less open to discussion in the occupation of America, than under the government of Spain.

But the government of the United States, under this pretext, cannot expect to avoid the reproach, which must attend the ungenerous and unprovoked seizure of a foreign colony, while the parent state is engaged in a noble contest for independence, against a most unjustifiable and violent invasion of the rights both of the monarch and people of Spain.

While I wait, therefore, for an explanation from you, sir, as to the motives which led to this unjust aggression by the United States, on the territories of his Majesty's ally, I must consider it as my duty to lose no time in fulfilling the orders of his Royal Highness, the Prince Regent, by which I am commanded, in the event of its appearing on my arrival in this city, that the United States still persevere by menaces and active demonstration to claim the military occupation of West Florida, notwithstanding the remonstrances of his Majesty's charge d'affaires, and the manifest injustice of the act, to present to you the solemn protest of his Royal Highness, in the name and on the behalf of his Majesty, against an attempt so contrary to every principle of public justice, faith, and national honour, and so injurious to the alliance subsisting between his Majesty and the Spanish nation.

I have the honour to be, &c. &c. &c.

(Signed)

AUG. J. FOSTER.

The Honourable James Monroe, &c.

*Mr. Monroe to Mr. Foster.*

SIR,

Department of State, July 8, 1811.

I have had the honour to receive the note which you have presented, by the order of his Royal Highness the Prince Regent, to protest, in behalf of the regency of Spain, against the possession lately taken, by the United States, of certain parts of West Florida.

Although the President cannot admit the right of Great Britain to interfere in any question relating to that province, he is willing to explain, in a friendly manner, the considerations which induced the United States to take the step, against which you have been ordered to protest.

It is to be inferred from your view of the subject, that the British government has been taught to believe, that the United States seized a moment of national embarrassment, to wrest from Spain

a province to which they had no right, and that they were prompted to it by their interest alone, and a knowledge that Spain could not defend it. Nothing, however, is more remote from the fact, than the presumption on which your government appears to have acted. Examples of so unworthy a conduct, are unfortunately too frequent in the history of nations; but the United States have not followed them. The President had persuaded himself that the unequivocal proofs which the United States have given, in all their transactions with foreign powers, and particularly with Spain, of an upright and liberal policy, would have shielded them from so unmerited a suspicion. He is satisfied that nothing is wanting but a correct knowledge of facts, completely to dissipate it.

I might bring to your view a long catalogue of injuries, which the United States have received from Spain, since the conclusion of their revolutionary war, any one of which would most probably have been considered cause of war, and resented as such, by other powers. I will mention two of these only; the spoiliations that were committed on their commerce to a great amount in the last war, and the suppression of their deposit at New Orleans just before the commencement of the present war, in violation of a solemn treaty; for neither of which injuries has any reparation or atonement been made. For injuries like those of the first class, it is known to you that Great Britain and France made indemnity. The United States, however, do not rely on these injuries for a justification of their conduct in this transaction; although their claims to reparation for them are by no means relinquished, and, it is to be presumed, will not always be neglected.

When I inform you that the province of West Florida, to the Perdido, was a part of Louisiana, while the whole province formerly belonged to France; that although it was afterwards separated from the other part, yet that both parts were again re-united, in the hands of Spain, and by her re-conveyed to France, in which state the entire province of Louisiana was ceded to the United States in 1803; that in accepting the cession, and paying for the territory ceded, the United States understood and believed, that they paid for the country as far as the Perdido, as part of Louisiana; and that, on a conviction of their right, they included in their laws provisions adapted to the cession in that extent; it cannot fail to be a cause of surprise to the Prince Regent, that they did not proceed to take possession of the territory in question as soon as the treaty was ratified. There was nothing in the circumstances of Spain, at that time, that could have forbidden the measure. In denying the right of the United States to this territory, her government invited negotiation on that and every other point, in contestation between the parties. The United States accepted the invitation, in the hope that it would secure an adjustment, and reparation for every injury which had been received, and lead to the restoration of perfect harmony between the two countries; but in that hope they were disappointed.

Since the year 1806, the period of the last negotiation with Spain,

the province of West Florida has remained in a situation altogether incompatible with the welfare of these States. The government of Spain has scarcely been felt there; in consequence of which the affairs of that province had fallen into disorder. Of that circumstance, however, the United States took no advantage. It was not until the last year, when the inhabitants, perceiving that all authority over them had ceased, rose in a body with intention to take the country into their own hands, that the American government interposed. It was impossible for the United States to behold with indifference, a movement in which they were so deeply interested. The president would have incurred the censure of the nation, if he had suffered that province to be wrested from the United States, under a pretext of wresting it from Spain. In taking possession of it, in their name, and under their authority, except in the part which was occupied by the Spanish troops, who have not been disturbed, he defended the rights and secured the peace of the nation, and even consulted the honour of Spain herself. By this event the United States have acquired no new title to West Florida. They wanted none. In adjusting hereafter all the other points which remained to be adjusted with Spain, and which it is proposed to make the subject of amicable negotiation as soon as the government of Spain shall be settled, her claim to this territory may also be brought into view, and receive all the attention which is due to it.

Aware that this transaction might be misconceived and misrepresented, the President deemed it a proper subject of instruction to the ministers of the United States at foreign courts, to place it in a true light before them. Such an instruction was forwarded to Mr. Pinkney, their late minister plenipotentiary at London, who would have executed it, had not the termination of his mission prevented it. The president cannot doubt that the frank and candid explanation which I have now given, by his order, of the considerations which induced the United States to take possession of this country, will be perfectly satisfactory to his Royal Highness the Prince Regent. With great respect and consideration, I have the honour to be, sir, your most obedient servant,

(Signed)

JAS. MONROE.

Augustus J. Foster, Esq. &c. &c.

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*Mr. Foster to Mr. Monroe.*

SIR,

Philadelphia, Sept. 5, 1811.

The Chevalier d'Onis, who has been appointed minister from his Catholic majesty to the United States, has written to inform me, that he understands by letters from the governor of East Florida, under date of the 14th ultimo, that governor Matthews, of the state of Georgia, was at that time at New St. Mary, on the frontiers of Florida, for the purpose of treating with the inhabitants of that province for its being delivered up to the United States' government; that he was with this view using every method of seduc-

tion to effect his purpose, offering to each white inhabitant who would side with him 50 acres of land and the guarantee of his religion and property; stipulating also that the American government would pay the debts of the Spanish government, whether due in pensions or otherwise; and that he would cause the officers and soldiers of the garrisons to be conveyed to such place as should be indicated, provided they did not rather choose to enter into the service of the United States.

M. d'Onis has done me the honour to communicate to me a note which he purposes transmitting to you, sir, in consequence of this detailed and most extraordinary intelligence; and considering the intimate alliance subsisting between Spain and Great Britain, as well as the circumstances under which he is placed in this country, he has urgently requested that I would accompany his representation with a letter on my part in support of it.

After the solemn severations which you gave me in the month of July, that ~~the~~ intentions hostile to the Spanish interests in Florida existed on the part of your government, I am wholly unable to suppose that General Matthews can have had orders from the President for the conduct which he is stated to be pursuing; but the measures he is said to be taking in corresponding with traitors, and in endeavouring by bribery and every art of seduction to infuse a spirit of rebellion into the subjects of the king of Spain in those quarters, are such as to create the liveliest inquietude, and to call for the most early interference on the part of the government of the United States.

The government of the United States are well aware of the deep interest which his Royal Highness, the Prince Regent, takes in the security of Florida, for any attempt to occupy the eastern part of which by the United States, not even the slightest pretexts could be alleged, such as were brought forward in the endeavour to justify the aggression on West Florida.

I conceive it therefore to be my duty, sir, in consideration of the alliance subsisting between Spain and Great Britain, and the interests of his Majesty's subjects in the West India islands, so deeply involved in the security of East Florida, as well as in pursuance of the orders of my government in case of any attempt against that country, to lose no time in calling upon you for an explanation of the alarming steps which Governor Matthews is stated to be taking for subverting the Spanish authority in that country, requesting to be informed by you upon what authority he can be acting, and what measures have been taken to put a stop to his proceedings. I have the honour to be, &c.

(Signed)

AUG. J. FOSTER.

The Honourable James Monroe, &c. &c. &c.

*Mr. Monroe to Mr. Foster.*

SIR,

November 2, 1811.

I have had the honour to receive your letter of September 5th, and to submit it to the view of the President.

The principles which have governed the United States in their measures relative to West Florida, have already been explained to you. With equal frankness I shall now communicate the part they have acted with respect to East Florida.

In the letter which I had the honour to address to you on the 8th of July, I stated the injuries which the United States had received from Spain since their revolutionary war, and particularly by spoliations on their commerce, in the last war, to a great amount, and of the suppression of their right of deposit at New Orleans just before the commencement of the present war, for neither of which had reparation been made. A claim to indemnity for those injuries, is altogether unconnected with the question relating to West Florida, which was acquired by cession from France, in 1803.

The government of Spain has never denied the right of the United States to a just indemnity for spoliations on their commerce. In 1802, it explicitly admitted this right by entering into a convention, the subject of which was to adjust the amount of the claim, with a view to indemnity. The subsequent injury, by the suppression of the deposit at New Orleans, produced an important change in the relations between the parties, which has never been accommodated. The United States saw in that measure eminent cause of war; and, that war did not immediately follow it, cannot be considered in any other light than as a proof of their moderation and pacific policy. The executive could not believe that the government of Spain would refuse to the United States the justice due for these accumulated injuries, when the subject should be brought solemnly before it by a special mission. It is known that an envoy extraordinary was sent to Madrid in 1805, on this subject, and that the mission did not accomplish the object intended by it.

It is proper to observe that in the negotiation with Spain, in 1805, the injuries complained of by the United States, of the first class, were again substantially admitted, to a certain extent, as was that also occasioned by the suppression of the deposit at New Orleans, although the Spanish government, by disclaiming the act, and imputing it to the intendant, sought to avoid the responsibility due from it; that to make indemnity to the United States for injuries of every kind, a cession of the whole territory claimed by Spain eastward of the Mississippi, was made the subject of negotiation, and that the amount of the sum demanded for it, was the sole cause that a treaty was not then formed, and the territory added.

The United States have considered the government of Spain indebted to them a greater sum for the injuries above stated, than



the province of East Florida can, by any fair standard between the parties, be estimated at. They have looked to this province for their indemnity, and with the greater reason, because the government of Spain itself has countenanced it. That they have suffered their just claims to remain so long unsatisfied, is a new and strong proof of their moderation, as it is of their respect for the disordered condition of that power. There is, however, a period beyond which those claims ought not to be neglected. It would be highly improper for the United States, in their respect for Spain, to forget what they owe to their own character and to the rights of their injured citizens.

Under these circumstances it would be equally unjust and dishonourable in the United States to suffer East Florida to pass into the possession of any other power. Unjust, because they would thereby lose the only indemnity within their reach, for injuries which ought long since to have been redressed. Dishonourable, because in permitting another power to wrest from them that indemnity, their inactivity and acquiescence could only be imputed to unworthy motives. Situated as East Florida is, cut off from the other possessions of Spain, and surrounded in a great measure by the territory of the United States; and having also an important bearing on their commerce, no other power could think of taking possession of it, with other than hostile views to them. Nor could any other power take possession of it without endangering their prosperity and best interests.

The United States have not been ignorant or inattentive to what has been agitated in Europe at different periods since the commencement of the present war, in regard to the Spanish provinces in this hemisphere; nor have they been unmindful of the consequences into which the disorder of Spain might lead in regard to the province in question, without due care to prevent it. They have been persuaded, that remissness on their part might invite the danger, if it had not already done it, which it is so much their interest and desire to prevent. Deeply impressed with these considerations, and anxious, while they acquitted themselves to the just claims of their constituents, to preserve friendship with other powers, the subject was brought before the congress at its last session, when an act was passed authorizing the executive to accept possession of East Florida from the local authorities, or to take it against the attempt of a foreign power to occupy it, holding it in either case subject to future and friendly negotiation. This act therefore evinces the just and amicable views by which the United States have been governed towards Spain, in the measure authorized by it. Our ministers at London and Paris were immediately apprized of the act, and instructed to communicate the purport of it to both governments, and to explain at the same time, in the most friendly manner, the motives which led to it. The President could not doubt that such an explanation would give all the satisfaction that was intended by it. By a late letter from the American

charge des affaires at London, I observe that this explanation was made to your government in the month of — last. That it was not sooner made, was owing to the departure of the minister plenipotentiary of the United States before the instruction was received.

I am persuaded, sir, that you will see, in this view of the subject, very strong proof of the just and amicable disposition of the United States towards Spain, of which I treated in the conference to which you have alluded. The same disposition still exists; but it must be understood that it cannot be indulged longer than may comport with the safety, as well as with the rights and honour of the nation. I have the honour to be, &c.

(Signed)

JAS. MONROE.

Aug. J. Foster, Esq. &c.

### CORRESPONDENCE

*Between Mr. Pinkney and Lord Wellesley.*

*Mr. Pinkney to Mr. Smith.*

SIR,

London, January 17, 1811.

I had the honour to receive on the 5th instant, while I was confined by a severe illness, your letter of the 15th of November, and as soon as I was able, prepared a note to Lord Wellesley, in conformity with it.

On the 3d instant, I had received a letter from Lord Wellesley, bearing date the 29th ultimo, on the subject of the orders in council and the British blockades, to which I was anxious to reply at the same time that I obeyed the orders of the president signified in your letter above mentioned. I prepared an answer accordingly, and sent it in with the other note and a note of the 15th, respecting two American schooners lately captured on their way to Bourdeaux, for a breach of the orders in council. Copies of all these papers are enclosed.

My answer to Lord Wellesley's letter, was written under the pressure of indisposition, and the influence of more indignation than could well be suppressed. His letter proves, what scarcely required proof, that if the present government continues, we cannot be friends with England. I need not analyse it to you.

I am still so weak as to find it convenient to make this letter a short one, and will therefore only add, that I have derived great satisfaction from your instructions of the 15th of November, and have determined to return to the United States in the *Essex*. She will go to L'Orient for Mr. Grayson, and then come to Cowes for me and my family. I calculate on sailing about the last of February.

The dispatches by the *Essex* were delivered to me by Lieutenant Rodgers on Sunday. I have the honour, &c. &c.

(Signed)

WM. PINKNEY.

The Honourable R. Smith, &c.

*Lord Wellesley to Mr. Pinkney.\**

SIR,

Foreign Office, December 29, 1810.

In acknowledging the receipt of your letter of the 10th instant, I must express my regret, that you should have thought it necessary to introduce into that letter any topics which might tend to interrupt the conciliatory spirit in which it is the sincere disposition of his Majesty's government to conduct every negotiation with the government of the United States.

From an anxious desire to avoid all discussions of that tendency, I shall proceed, without any farther observation, to communicate to you the view which his Majesty's government has taken of the principal question which formed the object of my inquiry during our conference of the 5th instant. The letter of the French minister for foreign affairs to the American minister at Paris, of the 9th August, 1810, did not appear to his Majesty's government to contain such a notification of the repeal of the French decrees of Berlin and Milan, as could justify his Majesty's government in repealing the British orders in council. That letter states, "that the decrees of Berlin and Milan are revoked, and that from the 1st of November, 1810, they will cease to be in force, it being understood, that in consequence of this declaration, the English shall revoke their orders in council and renounce the new principles of blockade which they have attempted to establish." The purport of this declaration appeared to be, that the repeal of the decrees of Berlin and Milan would take effect from the 1st of November, provided that Great Britain antecedently to that day, and in consequence of this declaration, should revoke the orders in council, and should renounce those principles of blockade which the French government alleged to be new. A separate condition relating to America, seemed also to be contained in this declaration, by which America might understand, that the decrees of Berlin and Milan would be actually repealed on the 1st of November, 1810, provided that America should resent any refusal of the British government to renounce the new principles of blockade, and to revoke the orders in council.

By your explanation, it appears, that the American government understands the letter of the French minister as announcing an absolute repeal, on the 1st of November, 1810, of the French decrees of Berlin and Milan; which repeal, however, is not to continue in force, unless the British government, within a reasonable time after the 1st of November, 1810, shall fulfil the two conditions stated distinctly in the letter of the French minister. Under this explanation, if nothing more had been required from Great Britain, for the purpose of securing the continuance of the repeal of the French decrees, than the repeal of our orders in council, I should not have hesitated to declare the perfect readiness of this

\* This letter was not received till January 3d, 1811, at night.

government to fulfil that condition. On these terms, the British government has always been sincerely disposed to repeal the orders in council. It appears, however, not only by the letter of the French minister, but by your explanation, that the repeal of the orders in council will not satisfy either the French or the American government. The British government is further required, by the letter of the French minister, to renounce those principles of blockade which the French government alleges to be new. A reference to the terms of the Berlin decree, will serve to explain the extent of this requisition. The Berlin decree states, that Great Britain "extends the right of blockade to commercial unfortified towns, and to ports, harbours, and mouths of rivers, which, according to the principle and practice of all civilized nations, is only applicable to fortified places." On the part of the American government, I understand you to require that Great Britain should revoke her order of blockade of May, 1806. Combining your requisition with that of the French minister, I must conclude, that America demands the revocation of that order of blockade, as a practical instance of our renunciation of those principles of blockade which are condemned by the French government. Those principles of blockade Great Britain has asserted to be ancient and established by the laws of maritime war, acknowledged by all civilized nations, and on which depend the most valuable rights and interests of this nation. If the Berlin and Milan decrees are to be considered as still in force, unless Great Britain shall renounce these established foundations of her maritime rights and interests, the period of time is not yet arrived, when the repeal of her orders in council can be claimed from her, either with reference to the promise of this government, or to the safety and honour of the nation. I trust that the justice of the American government will not consider, that France, by the repeal of her obnoxious decrees under such a condition, has placed the question in that state which can warrant America in enforcing the non-intercourse act against Great Britain and not against France. In reviewing the actual state of this question, America cannot fail to observe the situation in which the commerce of neutral nations has been placed by many recent acts of the French government; nor can America reasonably expect that the system of violence and injustice now pursued by France with unremitted activity, (while it serves to illustrate the true spirit of her intentions), should not require some precautions of defence on the part of Great Britain.

Having thus stated my view of the several considerations arising from the letter of the French minister, and from that with which you have honoured me, it remains only to express my solicitude that you should correct any interpretation of either which you may deem erroneous. If either, by the terms of the original decree to which the French minister's letter refers, or by any other authentic document, you can prove that the decrees of Berlin and Milan are absolutely repealed, and that no further condition is required of Great Britain than the repeal of her orders in council, I shall re-

ceive any such information with most sincere satisfaction; desiring you to understand, that the British government retains an anxious solicitude to revoke the *orders in council*, as soon as the Berlin and Milan decrees shall be effectually repealed, without conditions injurious to the maritime rights and honour of the United Kingdom. I have the honour to be, with great respect and consideration, sir, your most obedient and humble servant,

(Signed)

William Pinkney, Esquire, &c.

WELLESLEY.

*Mr. Pinkney to Lord Wellesley.*

MY LORD, Great Cumberland Place, January 14, 1811.

I have received the letter which you did me the honour to address to me on the 29th of last month, and will not fail to transmit a copy of it to my government. In the mean time, I take the liberty to trouble you with the following reply, which a severe indisposition has prevented me from preparing sooner.

The first paragraph seems to make it proper for me to begin by saying, that the topics introduced into my letter of the 10th of December, were intimately connected with its principal subject, and fairly used to illustrate and explain it; and consequently, that if they had not the good fortune to be acceptable to your lordship, the fault was not mine.

It was scarcely possible to speak with more moderation than my paper exhibits, of that portion of a long list of invasions of the rights of the United States, which it necessarily reviewed, and of the apparent reluctance of the British government to forbear those invasions in future. I do not know that I could more carefully have abstained, from whatever might tend to disturb the spirit which your lordship ascribes to his Majesty's government, if, instead of being utterly barren and unproductive, it had occasionally been visible in some practical result, in some concession either to friendship or to justice. It would not have been very surprising, nor very culpable perhaps, if I had wholly forgotten to address myself to a spirit of conciliation, which had met the most equitable claims with steady and unceasing repulsion; which had yielded nothing that could be denied; and had answered complaints of injury by multiplying their causes. With this forgetfulness, however, I am not chargeable; for, against all the discouragements suggested by the past, I have acted still upon a presumption that the disposition to conciliate, so often professed, would finally be proved by some better evidence than a perseverance in oppressive novelties, as obviously incompatible with such a disposition in those who enforce them, as in those whose patience they continue to exercise.

Upon the commencement of the second paragraph, I must observe, that the forbearance which it announces might have afforded some gratification, if it had been followed by such admissions as my government is entitled to expect, instead of further manifesta-

tion of that disregard of its demands, by which it has so long been wearied. It has never been my practice to seek discussions, of which the tendency is merely to irritate; but I beg your lordship to be assured, that I feel no desire to avoid them, whatever may be their tendency, when the rights of my country require to be vindicated against pretensions that deny, and conduct that infringes them.

If I comprehend the other parts of your lordship's letter, they declare in effect, that the British government will repeal nothing but the *orders in council*, and that it cannot at present repeal even them, because in the first place, the French government has required, in the letter of the Duke of Cadore to General Armstrong, of the 5th of August, not only that Great Britain shall revoke those orders, but that she shall renounce certain principles of blockade (supposed to be explained in the preamble to the Berlin decree) which France alleges to be new; and, in the second place, because the American government has (as you conclude) demanded the revocation of the British order of blockade of May, 1806, as a *practical instance of that same renunciation*, or, in other words, has made itself a party, not openly indeed, but indirectly and covertly, to the entire requisition of France, as you understand that requisition.

It is certainly true that the American government has required, as indispensable in the view of its acts of intercourse and non-intercourse, the annulment of the British blockade of May, 1806; and further, that it has, through me, declared its confident expectation that other blockades of a similar character (including that of the island of Zealand) will be discontinued. But by what process of reasoning your lordship has arrived at the conclusion, that the government of the United States intended by this requisition to become the champion of the edict of Berlin, to fashion its principles by those of France while it affected to adhere to its own, and to act upon some partnership in doctrines, which it would fain induce you to acknowledge, but could not prevail upon itself to avow, I am not able to conjecture. The frank and honourable character of the American government justifies me in saying that, if it had meant to demand of Great Britain an abjuration of all such principles as the French government may think fit to disapprove, it would not have put your lordship to the trouble of discovering that meaning by the aid of combinations and inferences discountedenanced by the language of its minister, but would have told you so in explicit terms. What I have to request of your lordship, therefore, is that you will take our views and principles from our own mouths, and that neither the Berlin decree, nor any other act of any foreign state, may be made to speak for us what we have not spoken for ourselves.

The principles of blockade which the American government professes, and upon the foundation of which it has repeatedly protested against the order of May, 1806, and the other kindred innovations of those extraordinary times, have already been so clearly

explained to your lordship, in my letter of the 21st of September, that it is hardly possible to read that letter and misunderstand them. Recômmended by the plainest considerations of universal equity, you will find them supported with a strength of argument and a weight of authority, of which they scarcely stand in need, in the papers which will accompany this letter, or were transmitted in that of September. I will not recapitulate what I cannot improve; but I must avail myself of this opportunity to call your lordship's attention a second time, in a particular manner, to one of the papers to which my letter of September refers. I allude to the copy of an official note of the 12th of April, 1804, from Mr. Merry, to Mr. Madison, respecting a pretended blockade of Martinique and Gaudaloupe. No comment can add to the value of that manly and perspicuous exposition of the law of blockade, as made by England herself in maintenance of rules which have been respected and upheld in all seasons and on all occasions by the government of the United States. I will leave it, therefore, to your lordship's consideration, with only this remark, that, while that paper exists, it will be superfluous to seek in any *French* document for the opinions of the American government on the matter of it.

The steady fidelity of the government of the United States to its opinions on that interesting subject is known to every body. The same principles which are found in the letter of Mr. Madison to Mr. Thornton, of the 27th of October, 1803, already before you, were asserted in 1799, by the American minister at this court, in his correspondence with Lord Grenville, respecting the blockade of some of the ports of Holland; were sanctioned in a letter of the 20th of September, 1800, from the secretary of state of the United States to Mr. King, of which an extract is enclosed; were insisted upon in repeated instructions to Mr. Monroe and the special mission of 1800; have been maintained by the United States against *others* as well as against England, as will appear by the enclosed copy of instructions, dated the 21st of October, 1801, from Mr. secretary Madison to Mr. Charles Pinkney, then American minister at Madrid; and finally, were adhered to by the United States, when belligerent, in the case of the blockade of Tripoli.

A few words will give a summary of those principles; and when recalled to your remembrance, I am not without hopes, that the strong grounds of law and right, on which they stand, will be as apparent to your lordship as they are to me.

It is by no means clear that it may not fairly be contended, on principle and early usage, that a maritime blockade is incomplete with regard to states at peace, unless the place which it would affect is invested by land as well as by sea. The United States, however, have called for the recognition of no such rule. They appear to have contented themselves with urging in substance, that ports not actually blockaded by a present, adequate, stationary force, employed by the power which attacks them, shall not be considered as shut to neutral trade in articles not contraband of war; that,

though it is usual for a belligerent to give notice to neutral nations when he intends to institute a blockade; it is possible that he may not act upon his intention at all, or that he may execute it insufficiently, or that he may discontinue his blockade, of which it is not customary to give any notice; that consequently the presence of the blockading force, is the natural criterion by which the neutral is enabled to ascertain the existence of the blockade at any given period, in like manner as the actual investment of a besieged place, is the evidence by which we decide whether the siege, which may be commenced, raised, recommenced and raised again, is continued or not; that of course a mere notification to a neutral minister shall not be relied upon, as affecting, with knowledge of the actual existence of a blockade, either his government or its citizens; that a vessel cleared or bound to a blockaded port, shall not be considered as violating in any manner the blockade, unless, on her approach towards such port, she shall have been previously warned not to enter it; that this view of the law, in itself perfectly correct, is peculiarly important to nations, situated at a great distance from the belligerent parties, and therefore incapable of obtaining other than tardy information of the actual state of their ports; that whole coasts and countries shall not be declared, (for they can never be more than *declared*) to be in a state of blockade, and thus the right of blockade converted into the means of extinguishing the trade of neutral nations; and lastly, that every blockade shall be impartial in its operation, or, in other words, shall not open and shut for the convenience of the party that institutes it, and at the same time repel the commerce of the rest of the world, so as to become the odious instrument of an unjust monopoly, instead of a measure of honourable war.

These principles are too moderate and just to furnish any motive to the British government for hesitating to revoke its orders in council, and those analogous orders of blockade, which the United States expect to be recalled. It can hardly be doubted that Great Britain will ultimately accede to them in their fullest extent; but if that be a sanguine calculation (as I trust it is not) it is still incontrovertible that a disinclination at this moment to acknowledge them, can suggest no rational inducement for declining to repeal at once what *every* principle disowns, and what must be repealed at last.

With regard to the rules of blockades which the French government expects you to abandon, I do not take upon me to decide whether they are such as your lordship supposes them to be or not. Your view of them may be correct; but it may also be erroneous; and it is wholly immaterial to the case between the United States and Great Britain whether it be the one or the other.

As to such *British blockades* as the United States desire you to relinquish, you will not, I am sure, allege that it is any reason for adhering to *them* that *France* expects you to relinquish *others*. If our demands are suited to the measure of our own rights, and of



your obligations as they respect those rights, you cannot think of founding a rejection of them upon any imputed exorbitance in the theories of the French government, for which we are not responsible, and with which we have no concern. If, when you have done justice to the United States, your enemy should call upon you to go further, what shall prevent you from refusing? Your free agency will in no respect have been impaired. Your case will be better, in truth, and in the opinion of mankind; and you will be, *therefore*, stronger in maintaining it, provided that, in doing so, you resort only to legitimate means, and do not *once more* forget the rights of others while you seek to vindicate your own.

Whether France will be satisfied with what you may do, is not to be known by anticipation, and ought not to be a subject of inquiry. So vague a speculation has nothing to do with your duties to nations at peace, and, if it had, would annihilate them. It cannot serve your interests; for it tends to lessen the number of your friends, without adding to your security against your enemies.

You are required, therefore, to do right, and to leave the consequences to the future, when by doing right you have every thing to gain and nothing to lose.

As to the *orders in council*, which professed to be a reluctant departure from all ordinary rules, and to be justified only as a system of retaliation for a pre-existing measure of France, their foundation (such as it was) is gone the moment that measure is no longer in operation. But the Berlin decree is repealed; and even the *Milan* decree, the successor of your orders in council, is repealed also. Why is it, then, that your orders have outlived those edicts, and that they are still to oppress and harass as before? Your lordship answers this question explicitly enough, but not satisfactorily. You do not allege that the French decrees are not repealed; but you imagine that the repeal is not to remain in force, unless the British government shall, in addition to the revocation of its orders in council, abandon its system of blockade. I am not conscious of having stated, as your lordship seems to think, that this is so, and I believe in fact that it is otherwise. Even if it were admitted, however, the orders in council ought nevertheless to be revoked. Can "the safety and honour of the British nation" demand that these orders shall continue to outrage the public law of the world, and sport with the undisputed rights of neutral commerce, after the pretext which was at first invented for them is gone? But you are menaced with a *revival* of the French system, and consequently may again be furnished with the same *pretext*! Be it so; yet still, as the system and the pretext are *at present* at an end, so, of course, should be your orders.

According to your mode of reasoning, the situation of neutral trade is hopeless indeed. Whether the Berlin decree exists or not, it is equally to justify your orders in council. You issued them before it was any thing but a shadow, and by doing so gave to it all the substance it could ever claim. It is at this moment nothing.

It is revoked, and has passed away, according to your own admission. You choose, however, to look for its re-appearance; and you make your own expectation equivalent to the decree itself. Compelled to concede that there is no anti-neutral French edict in operation upon the ocean, you think it sufficient to say that there *will be* such an edict, you know not when; and in the meantime you do all you can to verify your own prediction, by giving to your enemy all the provocation in your power to resume the decrees which he has abandoned.

For my part, my lord, I know not what it is that the British government requires, with a view to what it calls its *safety* and its *honour*, as an inducement to rescind its orders in council. It does not, I presume, imagine that such a system will be suffered to ripen into law. It must intend to relinquish it, sooner or later, as one of those violent experiments for which time can do nothing, and to which submission will be hoped in vain. Yet, even after the professed foundation of this mischievous system is taken away, another and another is industriously procured for it; so that no man can tell at what time, or under what circumstances it is likely to have an end. When realities cannot be found, possibilities supply their place, and that, which was originally said to be retaliation for actual injury, becomes at last (if such a solecism can be endured or imagined) retaliation for *apprehended* injuries, which the future may or may not produce, but which it is certain have no existence *now*!

I do not mean to grant, for I do not think, that the edict of Berlin did at any time lend even a colour of equity to the British orders in council, with reference to the United States: but it might reasonably have been expected that they, who have so much relied upon it as a justification, would have suffered it and them to sink together. How this is forbidden by your *safety* or your *honour* remains to be explained; and I am not willing to believe that either the one or the other is inconsistent with the observance of substantial justice, and with the prosperity and rights of peaceful states.

Although your lordship has slightly remarked upon certain recent acts of the French government, and has spoken in general terms of "the system of violence and injustice now pursued by France," as requiring "some precautions of defence on the part of Great Britain," I do not perceive that you deduce any consequence from these observations, in favour of a perseverance in the orders in council. I am not myself aware of any edicts of France which, now that the Berlin and Milan decrees are repealed, affect the rights of neutral commerce on the seas. And you will yourselves admit that if any of the acts of the French government, resting on territorial sovereignty, have injured, or shall hereafter injure, the United States, it is for them, and for them only, to seek redress. In like manner, it is for Great Britain to determine what precautions of defence those measures of France, which you denominate unjust and violent, may render it expedient for her to

adopt. The United States have only to insist that a sacrifice of their rights shall not be among the number of those precautions.

In replying to that passage in your letter, which adverts to the American act of non-intercourse, it is only necessary to mention the proclamation of the president of the United States, of the 2d of November last, and the act of congress which my letter of the 21st of September communicated, and to add that it is in the power of the British government to prevent the non-intercourse from being enforced against Great Britain.

Upon the concluding paragraph of your letter I will barely observe, that I am not in possession of any document, which you are likely to consider as *authentic*, showing that the French decrees are “absolutely revoked upon the single condition of the revocation of the British orders in council;” but that the information, which I have lately received from the American legation at Paris, confirms what I have already stated, and I think proved to your lordship; that those decrees are repealed and have ceased to have any effect. I will now trespass on you no further than to suggest that it would have given me sincere pleasure to be enabled to say as much of the British orders in council and of the blockades, from which it is impossible to distinguish them. I have the honour to be, with great respect and consideration, my lord, your lordship’s most obedient humble servant,

(Signed)

WM. PINKNEY.

The most noble the Marquis Wellesley.

*Extract of a Letter from Mr. Pinkney, to the Secretary of State of the United States.*

London, February 12, 1811.

“I received a few hours since, a letter from Lord Wellesley (of which a copy is enclosed) in answer to mine of the 14th ultimo, respecting the British orders in council and blockades.”

*Lord Wellesley to Mr. Pinkney.*

SIR,

Foreign Office, February 11, 1811.

The letter which I had the honour to receive from you, under date the 14th of January, 1811, has been submitted to his Royal Highness the Prince Regent.

In communicating to you the orders which I have received from his Royal Highness on the subject of your letter, I am commanded to abstain from any course of argument, and from any expression, which (however justified by the general tenor of your observations) might tend to interrupt the good understanding, which it is the wish of his Royal Highness, on behalf of his Majesty, to maintain with the government of the United States.

No statement contained in your letter appears to affect the general principles, which I had the honour to communicate to you in my letter of the 29th of December, 1810.

Great Britain has always insisted upon her right of self-defence

against the system of commercial warfare pursued by France, and the British orders of council were founded upon a just principle of retaliation against the French decrees. The incidental operation of the orders of council upon the commerce of the United States, (although deeply to be lamented) must be ascribed exclusively to the violence and injustice of the enemy, which compelled this country to resort to adequate means of defence. It cannot now be admitted that the foundation of the original question should be changed, and that the measure of retaliation adopted against France should now be relinquished, at the desire of the United States, without any reference to the actual conduct of the enemy.

The intention has been repeatedly declared of repealing the orders of council, whenever France shall actually have revoked the decrees of Berlin and Milan, and shall have restored the trade of neutral nations to the condition in which it stood previously to the promulgation of those decrees. Even admitting that France has suspended the operation of those decrees, or has repealed them, with reference to the United States, it is evident that she has not relinquished the conditions expressly declared in the letter of the French minister, under date the 5th of August, 1810. France, therefore, requires that Great Britain shall not only repeal the orders of council, but renounce those principles of blockade which are alleged in the same letter to be new; an allegation which must be understood to refer to the introductory part of the Berlin decree. If Great Britain shall not submit to these terms, it is plainly intimated in the same letter that France requires America to enforce them.

To these conditions, his Royal Highness, on behalf of his Majesty, cannot accede. No principles of blockade have been promulgated or acted upon by Great Britain previously to the Berlin decree, which are not strictly conformable to the rights of civilized war, and to the approved usages and law of nations. The blockades established by the orders of council rest on separate grounds, and are justified by the principles of necessary retaliation in which they originated.

The conditions exacted by France, would require Great Britain to surrender to the enemy the most important maritime rights and interests of the united kingdoms.

I am commanded to inform you that his Royal Highness cannot consent to blend the question which has arisen upon the orders of council, with any discussion of the general principles of blockade.

This declaration does not preclude any amicable discussion upon the subject of any particular blockade, of which the circumstances may appear to the government of the United States to be exceptionable, or to require explanation. I have the honour to be, with great respect and consideration, Sir, your most faithful and humble servant,

(Signed)

William Pinkney, Esq. &c. &c. &c.

WELLESLEY.

## MESSAGE

*To the Senate and House of Representatives of the United States.*

I now lay before congress, two letters to the department of state; one from the present plenipotentiary of France, the other from his predecessor; which were not included among the documents accompanying my message of the fifth instant, the translation of them being not then completed.

JAMES MADISON.

November 7, 1811.

*Translation of a Letter from General Turreau to the Secretary of State, dated*

SIR,

November 14, 1810.

Although you may have been already informed, through another official channel, of the repeal of the decrees of Berlin and Milan, it is agreeable to me to have to confirm to you this new liberal disposition of my court towards the government of the states of the union.

You will recollect, without doubt, sir, that these decrees were adopted in retaliation for the multiplied measures of England against the rights of neutrals, and especially against those of the United States: and after this new proof of deference to the wishes of your government, his majesty the emperor has room to believe, that it will make new efforts to withdraw the American commerce from the yoke which the prohibitory acts of Great Britain have imposed upon it. You will at the same time observe, sir, that the clearly expressed intention of my government is, that the renewal of commercial intercourse between France and the United States cannot alter the system of exclusion adopted by all Europe against all the products of the soil or of the manufactures of England or her colonies: a system, the wisdom and advantages of which, are already proved by its development and its success; and of which, also, the United States, as an agricultural and commercial power, have a particular interest in aiding, and in hastening the completion. Moreover, sir, this measure of my government, and those which yours may think proper to adopt, will prove the inutility of the efforts of the common enemy to break the ties of friendship which a humane and generous policy has necessarily formed between France and the United States, and which the actual crisis ought to draw closer. We ought hereafter, sir, to hope, or rather we may be assured, that new relations still more close and more friendly are about to be formed between Americans and Frenchmen, and that these two people will be more than ever convinced, that their glory, their interest, and their happiness, must eternally consecrate the principle and the conversation of these relations.

I seize with eagerness this occasion, sir, of renewing to you the assurance of my high consideration.

(Signed)

TURREAU.

*Mr. Serurier to the Secretary of State.*

SIR,

Washington, July 23, 1811.

The new dispositions of your government, expressed in the supplementary act of the 2d of March last, having been officially communicated to my court by the charge d'affaires of the United States; his imperial Majesty, as soon as he was made acquainted with them, directed that the American vessels sequestered in the ports of France since the 2d of November should be released. Their cargoes have been admitted, and some of them have departed, upon conforming with the municipal laws of the country; that is to say, by exporting wines, silks, and the products of French manufactures. Orders were to be given at the same time, that all American vessels coming from the United States and loaded with merchandise the growth of the country, should be admitted and received in all the ports of France.

I hasten, sir, according to the orders I have received, to make these dispositions known to your government.

In order to prevent all difficulty in relation to the cargoes of vessels, the table indicating the merchandise of the growth of the United States has been prepared; and it has been thought that a rule could not be adopted more favourable and more sure, than the statement itself of the exportations made by the Americans during the year which preceded the embargo, viz. from the 1st October, 1806, to the 30th September, 1807, a period during which your commerce of exportation was in full activity. I annex this table to my letter. Coffee, sugar, and cocoa are not included in this statement. These articles of merchandise have always been ranged in the class of colonial products; and, whatever may be their origin, his majesty, while favouring in his states many branches of culture and many new establishments, with a view of supplying their place by indigenous productions, could not encourage indefinitely their exportation. Vessels arriving with permits, by means of which the importation of merchandise of this sort is authorized, will be admitted.

The introduction of tobacco is not prohibited. It forms the first object of culture of some of the states of the union; and his majesty, having an equal interest in the prosperity of all, desires that the relations of commerce should be common to all parts of the federal territory. But tobacco is under an administration (en régie) in France: the administration is the only consumer, and can purchase only the quantity necessary for its consumption. It became necessary that measures should be taken upon this subject, and they have been conformable to the common interest. Tobacco will be received in the ports of France, and placed in actual deposit (en entrepôt réel); and if more arrives than the administration can purchase, the transit of the surplus will be permitted across France, for Germany, and the other states of Europe in which the American merchants may find a sale for it.

All the vessels of the United States which may arrive in France will have to discharge the custom-house duties, to which the merchandise they may bring is subject; and their return must be effected by exporting an equal value in French wines, silks, and other articles of French manufacture, in the proportions determined by the regulations.

Merchandise of the growth of the United States, composing the cargoes of American vessels, must be accompanied with a certificate of origin, delivered by the French consul of the port from whence the vessel departed.

I flatter myself, sir, that the communication of these dispositions of the emperor in favour of American commerce, will be as agreeable to your government as it is to me to be the means of making it.

I have the honour, sir, to renew to you the assurance of my high consideration.

The Minister of France.

SERURIER.

Mr. Monroe, Secretary of State.

*Productions of the Soil and of the Manufactures of the United States, exported from the 1st of October, 1806, to the 30th of September, 1807.*

Salt or smoked fish,	Rice,
Dried or pickled do.	Indigo,
Whale and other fish oil,	Tobacco,
Whalebone,	Flax-seed,
Spermaceti candles,	Hops,
Staves and heading,	Wax,
Shingles,	Household furniture,
Hoops,	Coaches and other carriages,
Plank,	Hats,
Timber,	Saddlery,
Lumber of all kinds,	Boots,
Masts and spars,	Shoes—silk and leather,
Manufactures of wood,	Beer, porter and cider, in casks
Oak bark and other dyes,	and bottles,
Tar,	Beef,
Pitch,	Tallow,
Rosin,	Hides,
Turpentine,	Horned cattle,
Skins and furs,	Pork,
Ginseng,	Hams and bacon,
Barley,	Lard,
Buck-wheat,	Hogs,
Beans,	Butter,
Peas,	Cheese,
Apples,	Pot and pearl ashes,
Potatoes,	Horses,

Mules,	Snuff,
Sheep,	Tobacco manufactured,
Poultry,	Bricks,
Mustard,	Essence of bark,
Cotton,	Linsced oil,
Wheat,	Spirits of turpentine,
Flour,	Cards—wood and cotton,
Rye meal,	Maple and other brown sugar,
Buck-wheat meal,	Bar iron,
Biscuit, or ship bread,	Nails,
Indian corn,	Castings,
Indian meal,	Canvas and sail-cloth,
Rye,	Cables and cordage,
Oats,	Spirits from molasses,
Spirits from grain,	Refined sugar,
Starch,	Chocolate,
Candles,	Gun-powder,
Soap,	Copper manufactured,
Wax-candles,	Medicinal drugs.
Hair-powder,	[TRUE COPY.]

The Minister of Foreign Relations,  
THE DUKE OF BASSANO.

(Signed)

### CORRESPONDENCE

*Of Jonathan Russell, Esquire.*

*Mr. Russell to Mr. Smith, Secretary of State.*

SIR, Paris, January 16, 1811.

Your letter of the 8th of November, relative to the powers given by this government to its consuls in the United States, under its decree concerning licenses, was received by me on the 11th instant, and the next day I communicated its contents to the Duke of Cadore in a note, a copy of which you will find enclosed. I remain, &c.

(Signed) JONATHAN RUSSELL.

The Honourable Robert Smith, &c.

*Mr. Russell to the Duke of Cadore.*

SIR, Paris, January 12, 1811.

The public journals and letters from General Armstrong have announced to the American government an imperial decree, by which permission is to be granted to a stated number of American vessels, to import into France from certain ports of the United States, the articles therein specified, and to export in return such productions of the French empire as are also enumerated in said decree. This trade, it would appear, is to be carried on under the authority of imperial licenses, and can only be perfected by the act



of the French consul residing within the jurisdiction of the United States at the specified ports.

The United States have no pretension of right to object to the operation of commercial regulations, strictly municipal, authorized by the French government to take effect within the limits of its own dominions; but I am instructed to state to you the inadmissibility, on the part of the United States, of such a consular superintendence as that which is contemplated by this decree respecting a trade to be carried on under licenses.

France cannot claim for her consuls, either by treaty or custom, such a superintendence. They can be permitted to enjoy such legitimate functions only as are sanctioned by public law, or by the usage of nations growing out of the courtesy of independent states.

Besides the decree in question professes to invest certain consuls with a power, which cannot be regularly exercised in the United States without the tacit permission of the American government; a permission that cannot be presumed, not only because it is contrary to usage, but because consuls thus acting would be exercising functions in the United States in virtue of French authority only, which the American government itself is not competent to authorize in any agents whatever.

If the construction given by the government of the United States, to this decree be correct, the government of France should not for a moment mislead itself by a belief, that its commercial agents will be permitted to exercise the extraordinary power thus intended to be given to them. I pray your excellency, &c. &c.

(Signed)

JONATHAN RUSSELL.

His Excellency the Duke of Cadore.

*Mr. Russell to Mr. Smith, Secretary of State.*

Paris, 21st January, 1811.

SIR,

On the 18th instant I received a note dated that day from the Duke of Cadore, in answer to the representation which I had made to him on the 12th of this month, relative to the exceptionable powers intended to be exercised by French consuls in the United States, in perfecting the contemplated trade under licenses.

You will perceive with satisfaction, that not only these powers, but the system itself, under which they were to have been exercised, have been abandoned. I have the honour, &c. &c.

(Signed)

JONATHAN RUSSELL.

Hon. Robert Smith, &c. &c.

(TRANSLATION.)

*The Duke de Cadore to Mr. Russell.*

Paris, 18th January, 1811.

SIR,

I have read with much attention your note of the 12th January, relative to the licenses intended to favour the commerce of the

Americans in France. This system had been conceived before the revocation of the decrees of Berlin and Milan had been resolved upon. Now circumstances are changed by the resolution taken by the United States, to cause their flag and their independence to be respected, that which has been done before this last epoch, can no longer serve as a rule under actual circumstances. Accept the assurances of my high consideration,

CHAMPAGNY,  
Duke de Cadore.

*Mr. Russell to Mr. Smith.*

Paris, 27th May, 1811.

SIR,

By the first opportunity which presented itself after the admission of our vessels on the 4th of May, I communicated this event to the American charge d'affaires at London, in hopes that it might be useful there. The enclosed is a copy of the note which I addressed to him on the occasion. I am, &c. &c.

(Signed)

JONATHAN RUSSELL.

The Honourable Robert Smith, Secretary of State.

*Mr. Russell to Mr. J. S. Smith.*

Paris, 10th May, 1811.

SIR,

I hand you herewith the copy of a letter to me from his excellency the Duke of Bassano, dated the 4th instant,\* and enclosing a list of the American vessels whose cargoes have been admitted by order of the emperor.

As this list contains all the American vessels, except one only whose papers were mislaid, which have arrived spontaneously in the ports of France, since the first of November last, which had not already been admitted; the measure adopted by this government may perhaps be considered to be of a general character and a consequence of the actual relations between the two countries, growing out of the revocation of the Berlin and Milan decrees, so far as they violated the neutral rights of the United States.

I am, sir, with great consideration, &c.

(Signed)

JONATHAN RUSSELL.

John S. Smith, Esq. &c. &c.

*Mr. Russell to the Secretary of State.*

Paris, 9th June, 1811.

SIR,

The case of the New Orleans Packet having apparently excited considerable interest, it may not be unacceptable to you to receive a more particular account of it than I have hitherto transmitted.

This vessel, owned by Mr. Alexander Ruden, of New York, left that place on the 25th of July, with a clearance for Lisbon, but actually destined for Gibraltar. Her cargo, likewise the property of

\* See this copy in the enclosures of Mr. Russell's letter 15th July, which will be found in a subsequent part of this correspondence.

Mr. Ruden, consisted of 207 whole tierces and 31 half tierces of rice, 330 bags of Surinam cocoa, 10 hogsheads of tobacco, 6 tierces of hams, 50 barrels of pork, 60 barrels of beef, 200 barrels of flour, 30 tierces of beans and 64 firkins of butter. On her passage to Gibraltar, she was boarded by an English frigate and an English schooner, and after a short detention allowed to proceed. On arriving at Gibraltar the 26th of August, Mr. Munroe, the supercargo, proceeded to sell the cargo, and actually disposed of the flour, the beans and butter, when about the 20th of September a packet arrived there from England bringing newspapers containing the publication of the letter from the Duke of Cadore of the 5th of August. On the receipt of this intelligence, Mr. Munroe immediately suspended his sales, and after having consulted with Mr. Hackley, the American consul at Cadiz, he determined to proceed with the remainder of his cargo to Bourdeaux. He remained however at Gibraltar till the 22d of October, that he might not arrive in France before the 1st of November, the day on which the Berlin and Milan decrees were to cease to operate. He arrived in the Garonne on the 14th of November, but by reason of his quarantine did not reach Bourdeaux before the 3d of December. On the 5th of this month the director of the customs there seized the New Orleans Packet and her cargo under the Milan decrees of the 23d November and 17th December, 1807, expressly set forth, for having come from an English port and for having been visited by an English vessel of war. These facts having been stated to me by Mr. Munroe, or by Mr. Meyer, the American vice-consul at Bourdeaux, and the principal one, that of the seizure under the Milan decrees, being established by the *proces verbal* put into my hands by Mr. Martini, one of the consignees of the cargo, I conceived it to be my duty not to suffer the transaction to pass unnoticed, and thereby permit it to grow into a violation of the engagements of this government. While I was considering the most proper mode of bringing the conduct of the custom-house officer at the port under the eyes of his superiors, I learnt of the arrival of the Essex at L'Orient. From the time at which this frigate was reported to have left the United States, I had no doubt that she had brought the proclamation of the president announcing the revocation of the very decrees under which this precipitate seizure had been made. I could but think, therefore, that it was important to afford to this government an opportunity of disavowing the conduct of its officer, so incompatible with the engagements on which the president had in all probability reposed with confidence, in season to shew that this confidence had not been mistimed or misplaced. To have waited for the receipt of the proclamation, in order to make use of it for the liberation of the New Orleans Packet, appeared to me a preposterous and unworthy course of proceeding, and to be nothing better than absurdity and basely employing the declaration of the President that the Berlin and Milan decrees *had been* revoked, as the means of obtaining their *revocation*. I believed it became me to take higher ground, and, without confining myself to the mode

best calculated to recover the property, to pursue that which the dignity of the American government required.

A crisis in my opinion presented itself, which was to decide whether, the French edicts were retracted as a preliminary to the execution of our law, or whether, by the non-performance of one party, and the prompt performance of the other, the order in which these measures ought to stand was to be reversed, and the American government shifted into the lead where national honour and the law required it to follow. Uncertain what would be the conduct of this government, but clear what it ought to be, I thought it politic to present briefly the honest construction of the terms in which the revocation of the decrees was communicated on the 5th of August, that the conditions might not be tortured into a pretext for continuing them. I believed this to be the more necessary as no occasion hitherto occurred for offering such an interpretation. I likewise supposed it to be desirable to take from this government, by a concise statement of facts, the power of imputing neglect to the United States, in performing the act required of them, for the purpose of finding in this neglect a colour for again executing the decrees. These were my views in writing promptly and frankly on the occasion.

So acceptable indeed did I suppose it would be to the feelings of the American government, to obtain at least an explanation of an act ostensibly proving the continued operation of the decrees, previous to communicating the proclamation of the president, announcing their revocation, that, although I received this proclamation on the 13th of December, I deferred the communication of it to the Duke of Cadore, until the 17th of that month; nor should I then have communicated it, had not an interview with him on the 15th, led me to believe that much time might be necessary to procure official reports from the custom-house, relative to the seizure in question, and that until these reports were received, it would be impossible formally to explain or correct this proceeding. When, however, I declined, uninstructed as I was, incurring the responsibility of this protracted delay, and decided on communicating the proclamation before a satisfactory explanation was received, I took care to guard against any misconstruction, by explicitly declaring at the outset, that this proclamation “had been issued alone on the ground that the revocation of the Berlin and Milan decrees did not depend on any condition previously to be performed by the United States.”

The custom-house officers at Bourdeaux commenced unlading the New Orleans Packet on the 10th of December, and completed this work on the 20th of that month, as appears by their *proces verbal* of those dates. That of the 20th expressly declares that the confiscation of this property was to be pursued before the imperial council of prizes at Paris, according to the decrees of the 23d of November and 17th of December, 1807; or, in other words, the decrees of Milan. The decree of the 23d of March, or the Rambouil-

let decree, is also mentioned; but as I wrote my note of the 10th of December with a view only to the letter of the Duke of Cadore announcing the revocation of the Berlin and Milan decrees, and as the *proces verbal* of the 5th appears to wave the application of the Rambouillet decree as unnecessary, I took no notice of it.

On Monday the 17th of December my remonstrance was submitted to a council of commerce, and referred by it to the director general of the customs for his report. From this time, all further proceedings against the New Orleans Packet were suspended. The papers were not transmitted to the council of prizes, nor a prosecution instituted before that tribunal for the confiscation of the property, as was professedly the intention of the officers concerned in the seizure. This prosecution was not only abandoned, but on the 9th of January the vessel and cargo were placed at the disposition of the consignees, on giving bond to pay the estimated amount, should it definitively be so decided. Nothing is now wanting to complete the liberation of the New Orleans Packet and her cargo but the cancelling of this bond.

It appears, therefore, that the remonstrance of the 10th of December arrested the proceeding complained of, before it had assumed a definitive character, or unequivocally become a breach of faith, and not only rescued the property from the seizure with which it had been visited, but, by procuring its admission, placed it in a situation more favourable than that of many other vessels and cargoes which continued to be holden in a kind of *morte-main* by the suspension of all proceedings with regard to them. I have the honour to be, &c. &c.

(Signed)

JONATHAN RUSSELL.

Honourable Secretary of State of the United States.

P. S. July 5th. I have the satisfaction to announce to you that since writing the above, an order has been given to cancel the bond, and a letter just received from the commercial agent of the United States at Bordeaux, informs me that it is actually cancelled.

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*Extract of a Letter from Mr. Russell to the Secretary of State of the United States, dated*

Paris, 15th July, 1811.

"On the 5th of that month [May] I received a note [No. 1] from the Duke of Bassano, dated the 4th, containing a list of sixteen American vessels whose cargoes had been admitted by order of the emperor. I immediately transmitted to you several copies of this communication, and I gave you on the 8th such an account [No. 2] of the admitted cases, as might aid you in forming a correct estimate of the political value of the measure adopted in their favour.

Although I was fully impressed with the importance of an early decision in favour of the captured vessels, none of which had been included in the list above-mentioned, yet I deemed it proper to

wait a few days before I made an application upon the subject. By this delay I gave the government here an opportunity of obtaining the necessary information concerning these cases, and of pursuing spontaneously the course which the relations between the two countries appeared to require. On the 11th, however, having learnt at the council of prizes that no new order had been received there, I judged it to be my duty no longer to remain silent, lest this government should erroneously suppose that what had been done was completely satisfactory to the United States, and, construing my silence into an acquiescence in this opinion, neglect to do more. I therefore on that day addressed to the Duke of Bassano my note [No. 3.] with a list of American vessels captured since the 1st of November. On the 16th, I learnt that he had laid this note, with a general report on it, before the emperor, but that his majesty declined taking any decision with regard to it, before it had been submitted to a council of commerce. Unfortunately, this council did not meet before the departure of the emperor for Cherbourg; and during his absence, and the festivals which succeeded it, there was no assemblage of this body.

Immediately on receiving the communication of the Duke of Bassano of the 4th of May, I addressed him a note [No. 4.] concerning the brig *Good Intent*, detained at St. Andero. Although this vessel had in fact been captured, yet, from the peculiar circumstances of the case, I hoped that she would be placed on the same footing as those which had been admitted. The answer [No. 5.] which was returned by the Duke of Bassano, dated the 25th and received the 28th, announced to me, however, that this affair must be carried before the council of prizes. Wishing to rescue this case from this inauspicious mode of proceeding, I again addressed him in relation to it, in a note [No. 6.] on the 2d of June. If I could not obtain at once the restoration of this vessel, it was desirable, at least, that she should be admitted to the benefit of the general measure, which I insinuated might be taken in favour of the captured class mentioned in my note of the 11th of May.

As in this note I have stated the case of the *Good Intent* to be analogous to those of the *Hare* and the *John*, it may be proper to explain to you both the points of resemblance and diversity, in order to reconcile this note with my declaration, that no captured vessel was on the list of the 4th of May. The cases agree in the destination to places under the authority of France, and in the arrestation by launches in the service of the French government; they differ in the *Hare* and *John* having already, before they were taken, arrived at the port, and within the territorial jurisdiction of the country to which they were bound, and the *Good Intent* having been taken without such jurisdiction, and conducted to a port to which she was not destined. The taking possession of the *Hare* and the *John*, may be considered then as a seizure in port, and that of the *Good Intent* as a capture on the high seas.

On perceiving that the schooner *Friendship* was not named in

the list of admitted vessels, I caused enquiry to be made at the custom-house concerning the cause of this omission. It was stated that her papers had been mislaid, but that search was making for them, and that, when found, a report would immediately be made. I waited for this report until the 18th of May, but finding it had not been made, I conceived it might be useful, in order to accelerate it, and to render complete the admission of the entire class to which this case belonged, to attract towards the Friendship the attention of the minister of foreign relations. With this view, I presented to him my note [No. 7.] of that date.

Having reflected much on the condition, attached to the admission of the American cargoes, to export two-thirds of the proceeds in silks, and being persuaded that the tendency of this restriction, added to the dangers of a vigilant blockade, and to the exactions of an excessive tariff, was to annihilate all commercial intercourse between the two countries. I believed it would not be improper for me to offer to this government a few remarks on the subject. This I was the more inclined to do, as it was to be apprehended that this condition was not imposed as an expedient, for temporary purposes only, but that it was intended to be continued as the essential part of a permanent system. In a note, therefore, of the 10th of June, [No. 8.] I suggested to the Duke of Bassano the evils which might be expected naturally to result from the operation of this restriction on exports. It is indeed apparent, that a trade that has to run the gauntlet of a British blockade, and is crushed with extravagant duties inwards, and shackled with this singular restriction outwards, cannot continue.

On the 15th of June, Mr. Hamilton, of the John Adams, reached Paris, and informed me that this vessel had arrived at Cherbourg. Unwilling to close my dispatches by her, without being able to communicate something of a more definite and satisfactory character, than any thing which had hitherto transpired, I immediately called at the office of foreign relations, but the minister being at St. Cloud, I was obliged to postpone the interview which I sought, until the Tuesday following. At this interview I stated to him the arrival of the frigate, and my solicitude to transmit by her to the United States, some act of his government, justifying the expectation with which the important law which she had brought hither, had undoubtedly been passed. I urged particularly a reply to my note of the 11th of May, relative to the captured vessels, and observed, that although the mere pecuniary value of this property might not be great, yet in a political point of view, its immediate liberation was of the utmost consequence. I intimated to him at the same time, that my anxiety was such to communicate by the John Adams, a decision on these captures to the American government, that I should detain this vessel until I had received it. He replied that his sentiments accorded perfectly with mine in this matter; and ascribed the delay which had taken place to the same causes as I have assigned. He assured me, however, that he would

immediately occupy himself again with this business, and unless a council of commerce should be holden within a few days, he would make a *special* report to the emperor, and endeavour to obtain a decision from him in person. He approved my intention of detaining the frigate, and engaged to do whatever might depend on him, to enable me to dispatch her with satisfaction. He added that he had already made enquiries of the competent authorities, concerning the Good Intent and the Friendship, and that when their reports should be received, he would do whatever the circumstances of the cases might warrant.

I now suggested to him the evils which resulted to our commercial intercourse with France, from the great uncertainty which attended it, owing to the total want on their part of clear and general regulations. After making a few observations in explanation of this remark, I requested to know if he would have any communication to make to me on the subject previous to the sailing of the John Adams. I was led to make this enquiry from information which I had indirectly obtained, that several resolutions for the regulation of our trade, had been definitively decreed. He replied that no such communication would be made here, but that Mr. Serrurier would be fully instructed on this head. The resolutions just mentioned, as far as I have learnt, are, to admit the produce of the United States (except sugar) without special permits or licenses; to admit coffee, sugar and other colonial produce, with such permits or licenses, and to prohibit every thing arriving from Great Britain, or places under her controul.

He again mentioned the discovery of the regulation of the year twelve, authorizing the certificates of origin for French ports only, or for ports in possession of the French armies, but declared that after the most thorough examination of the archives of his department, no document or record had been found permitting these certificates to be granted for the ports of neutral or allied powers. He again, however, professed a favourable disposition towards our negotiations in Denmark, and said, "*le succès de la mission de Mons. Erving s'accorderait parfaitement avec nos sentimens, et ne contrairerait nullement notre politique.*"

With the view above stated, I detained the John Adams until the 9th instant. I had from time to time, in the mean while, informed myself of the proceeding with regard to the captured vessels, and ascertained that in fact, the Duke of Bassano had made a report in relation to them. The emperor it appears, however, still wished for the decision of his council of commerce, and the report was laid before them on the 1st of this month, being the first time they had assembled since the date of my letter of the 11th May. I waited in daily expectation of hearing the result of their deliberations, until the 9th instant, when, conceiving sufficient time had been allowed for receiving it, and not feeling perfectly at my ease under the responsibility I was incurring for the unauthorized detention of the John Adams, I determined to learn from the Duke of Bassano, in person, what I might reasonably expect in the matter.



I accordingly procured an interview with him on the day last mentioned. I reminded him of what had passed at our conference on the 18th ultimo, and told him that in consequence thereof, I had kept the ship, but that I could not with propriety detain her longer, without the evident prospect of obtaining from the French Government the release of the captured vessels. He expressed a conviction of the justice of my observations, and assured me that he was in hourly expectation of receiving a decision on the captured cases, and hoped that the John Adams might not be permitted to return without it. I thereupon consented to keep my dispatches open until the 13th, assuring him that I could not take upon myself to protract the detention of the John Adams beyond that period.

On the 13th, about 1 o'clock, I received a note from the Duke of Bassano, of which the enclosed (No. 9) is a copy. I waited upon him immediately, and was informed that the Two Brothers, the Good Intent, and the Star, three of the captured vessels, had been liberated. He added that no unnecessary delay would be allowed in deciding upon the whole.

I shall dispatch Mr. Hamilton this day, and I shall send with him a messenger to be landed on the other side, who will carry to Mr. Smith an account (No. 10\*) of what has been done here, to be used by him as he shall judge proper."

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No. 1.

[TRANSLATION.]

*The Duke of Bassano to Mr. Russell.*

Paris, 4th May, 1811.

SIR,

I hasten to announce to you, that H. M. the emperor has ordered his minister of finance to authorize the admission of the American cargoes which had been provisionally placed in deposit on their arrival in France.

I have the honour to send to you a list of vessels to which these cargoes belong; they will have to export the amount of them in national merchandise, of which the two-thirds will be in silks.

I have not lost a moment in communicating to you a measure perfectly in accord with the sentiments of union and of friendship which exist between the two powers. Accept, sir, the assurance of my high consideration.

(Signed)

DUC DE BASSANO.

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No. 2.

*Mr. Russell to the Secretary of State.*

Paris, 8th May, 1811.

SIR,

I had the honour to address to you, on the 6th inst. by various ports, several copies of the note of the Duke of Bassano to me on

\* See the letter from Mr. Russell to Mr. Smith, charge d'affaires, &c. &c. dated the 14th of July, enclosed in Mr. Monroe's letter of the 17th of October, to Mr. Foster.

the 4th, containing a list of the vessels, the admission of whose cargoes had been authorized by the emperor.

This list comprises all the American vessels which had arrived without capture, in the ports of France or the kingdom of Italy, since the 1st of November, and which had not already been admitted, excepting the schooner *Friendship*.

The papers of the *Friendship* had been mislaid at the custom-house, and no report of her case made to the emperor.

As the *New Orleans Packet* and her cargo had been given up *on bond*, in January last, there can be no longer any question with regard to their admission; but to make their liberation complete, the bond should be cancelled.

All the vessels mentioned in the list, excepting the *Grace Ann Greene*, had come direct from the United States, without having done or submitted to any known act, which could have subjected them to the operation of the Berlin and Milan decrees, had these decrees continued in force.

The *Grace Ann Greene* stopped at Gibraltar, remained many days there, and in proceeding thence to Marseilles was captured by an English vessel of war. The captain of the *Grace Ann Greene*, with a few of his people, rose upon the British prize-crew, retook his vessel from them and carried her and them into the port to which he was bound.

The captain considered this re-capture of his vessel as an act of resistance to the British orders in council, and as exempting his property from the operation of French decrees, professedly issued in retaliation of those orders. He likewise made a merit of delivering to this government nine of its enemies, to be treated as prisoners of war.

His vessel was liberated in December, and his cargo the beginning of April last, and there is some difficulty in precisely ascertaining whether this liberation was predicated on the general revocation of the Berlin and Milan decrees, or on a special exemption from them owing to the particular circumstances of the case.

It is somewhat singular this vessel was placed on the list of the 4th inst. when she had been liberated and her cargo admitted so long before.

It may not be improper to remark, that no American vessel, captured since the 1st of November, has yet been released or had a trial.

These are the explanations which belong to the measure I had the honour to communicate to you on the 6th instant, and may afford some assistance in forming a just appreciation of its extent and character. I have the honour to be, sir, with great consideration and respect, your most faithful and assured servant,

(Signed)

JONA. RUSSELL.

## No. 3.

*Mr. Russell to the Duke of Bassano.*

Paris, 11th May, 1811.

SIR,

I have the honour to present to your excellency a list of the American vessels which, according to the information I have obtained, have been captured by French privateers since the 1st of November last, and brought into the ports of France. All proceedings in relation to these vessels have been suspended in the council of prizes, with the same view, no doubt, as the proceedings in the custom-house had been deferred with regard to those which had arrived voluntarily. The friendly admission of the latter encourages me to hope that such of the former at least as were bound to French ports, or to the ports of the allies of France, or to the United States, especially those in ballast, will be immediately released, and that orders will be given to bring on the trials of the remainder, should such a course be judged indispensable, without any unnecessary delay.

The measure for which I now ask, being in perfect accord with the friendly sentiments which prevail between the two countries, I persuade myself will obtain the early assent of his majesty. I pray your excellency, to accept the assurances of my highest consideration.

(Signed)

JONATHAN RUSSELL.

The Duke of Bassano, &amp;c. &amp;c.

## LIST OF AMERICAN VESSELS.

*Taken by French Privateers, since the 1st of November, 1810, and carried into the ports of France.*

<i>Vessels.</i>	<i>Where from.</i>	<i>Where bound.</i>	<i>Cargoes.</i>	<i>When taken.</i>	<i>Where bro-</i>
Robinson Ova	Norfolk	London	Tobacco, cotton, and staves	21st Decem. 1810	Dunkirk.
Mary Ann	Charleston	Id.	Cotton and rice	3d March, 1811	Id.
General Eaton	London	Charleston	In ballast	6th Decem. 1811	Calais.
Neptune	Id.	Id.	Id.	7th do.	Dieppe.
Clio	Id.	Philadelphia	English manufactures	Id.	{ Vessel lost off Tre-
					quier, part of car-
					go saved.
					{ St. Malo. N. B. This
					vessel was taken
					within the territo-
					rial jurisdiction
					of France.
Two Brothers	Boston	St. Malo	{ Cotton, indigo, potashes, cod- fish, fish-oil, and dye-wood }	20th Id.	
Star	Salem	Naples	Coffee, indigo, fish, dye-wood, &c.	2d February, 1811	Malta.
Zebra	Boston	Tarragon	40,000 staves	27th January, do.	Do.

## No. 4.

*Mr. Russell to the Duke of Bassano.*

Paris, 6th May, 1811.

SIR,

I feel it my duty to represent to your excellency, that the American brig *Good Intent*, from Marblehead, with a cargo of oil, fish, cocoa, and staves, bound to Bilboa, was captured in December last by an armed launch in the service of the French government, and carried into Santander. Mr. J. P. Rattier, the consul of his Majesty, the Emperor, at that place, has taken possession of the cargo, and sold that part which was perishable, retaining in his hands the proceeds, and placing in depot the articles unsold, until he shall receive the superior orders of his government.

The present flattering appearance that the relations between France and the United States will be preserved on the most amicable footing, encourages me to hope that the case of the *Good Intent*, after the long detention that has occurred, will attract the early attention of the French government, and that the property will be restored to the American owner.

I pray your excellency to accept the assurances of my high consideration.

(Signed)

JONA. RUSSELL.

His excellency the Duke of Bassano,  
minister of exterior relations.

## No. 5.

(TRANSLATION.)

*The Duke de Bassano to Mr. Russell.*

Paris, 25th May, 1811.

SIR,

The object of the letter you have done me the honour to address to me on the 7th of this month, was to remonstrate against the sequestration of the American ship, the "*Good Intent*," which had been carried into St. Andero by a French vessel.

The minister of marine to whom I hastened to write on this subject, has just answered me, that the case is carried before the council of prizes, which is alone competent to decide on the validity of the capture. He adds, that it is before that tribunal, that the owners of the *Good Intent* ought to be prepared to establish their rights, and that he will have no other agency in this affair than to cause to be executed the decision which shall be made. Accept, sir, the assurance of my high consideration.

(Signed)

LE DUC DE BASSANO.

Mr. Russell, charge des affaires of the United States.

## No. 6.

*Mr. Russell to the Duke of Bassano.*

Paris, June 2d, 1811.

SIR,

By the letter which your excellency did me the honour to address to me on the 25th ultimo, I perceive that the minister of

marine declines interfering in the case of the American brig the Good Intent, except to enforce the decision which the council of prizes may render.

As the Good Intent was captured bound to a port in the possession of the French armies, by a launch in the service of the French government, I had persuaded myself that she would not be treated as a prize, but that she would be restored like the John and the Hare, at Civita Vecchia, without the delay of a formal trial. It was in this expectation, that I omitted to place her on the list of American vessels captured since the 1st of November last, which I had the honour to address to your excellency, in my note of the 11th ultimo. If his majesty the emperor should find it improper, upon being made acquainted with the circumstances of this case, to distinguish it from cases of ordinary capture, I presume there will be no objection to extending to it the benefit of any general decision which may be taken in regard to those mentioned in the list aforesaid.

I pray your excellency to accept the assurance of my high consideration.

(Signed)

JONA. RUSSELL.

His Excellency the Duke of Bassano.

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No. 7.

*Mr. Russell to the Duke of Bassano.*

Paris, May 18, 1811.

SIR,

On examining the list of vessels whose cargoes have been admitted, and which your excellency did me the honour to enclose to me in a note dated the 4th of this month, I have discovered that the schooner Friendship has been omitted.

This vessel, as I am informed, arrived at Bourdeaux, on the 6th of December last, with a cargo of coffee, which from long detention has suffered considerable damage. As there is no circumstance, within my knowledge, to distinguish the cargo of this vessel from those which have been admitted, I doubt not that her case will be inquired after, and that she will be placed upon the same footing as the others.

I pray your excellency to accept the assurance of my highest consideration.

(Signed)

JONA. RUSSELL.

His Excellency the Duke of Bassano,  
Minister of Exterior Relations.

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No. 8.

*Mr. Russell to the Duke of Bassano.*

Paris, 10th June, 1811.

SIR,

I conceive it to be my duty to represent to your excellency that the condition, attached to the admission of American property

in France, to export two thirds of the amount in silks, is attended with great inconvenience and loss to the American merchant.

A general requisition to export the neat proceeds of imported cargoes in the produce and manufactures of the French empire, would have been so obviously intended to favour its industry and to prevent any indirect advantage resulting to its enemy by the remittance of exchange, that the right and policy of the measure would have been universally acknowledged. The American merchant, in this case, permitted to select from the various and abundant productions of the arts and agriculture of France, those articles which the habits and tastes of the American people demanded, might freely and advantageously have exercised his commercial skill for the advancement of his interests, and hoped, from the profit on his investments here, to obtain an indemnity for the losses on his outward voyage.

The condition, however imposed on him to receive two-thirds of these investments in a *particular article*, takes from him the faculty of profiting of his experience and information, either in bargaining for his purchases or in adapting them to the wants of the market for which they are intended. The holder of this article becomes, by this requisition, the master not only of the price, but of the kind and quality of his merchandise, and his interest will strongly incite him to abuse the power which he feels. He knows full well that the purchaser cannot dispense with this merchandise, and that sooner or later he must accede to the terms on which it is offered. Should, indeed, the American merchant, from his repugnance to invest his funds in an article forced upon him, loaded with the arbitrary exactions of the seller, refuse for a while to receive it, yet, beholding these funds inactive and wasting on his hands, and his vessel perishing in a foreign port, he must eventually yield to the duress which he suffers.

Such are some of the evils, to which the condition in question will expose the American merchant in this country. In the United States, it will be by him still more severely felt.

The overstock of the article forced by this condition on the market there, exceeding the consumption, must necessarily become a drug; and the American merchant, after having taken it here against his will, and paid for it more than its ordinary value, will be compelled in the United States to keep it on hand, or to sacrifice it for the most it will bring. Thus, alternately obliged to purchase and to sell under unfavourable circumstances, he will have to add to the losses of the outward voyage, the losses on the returns, and the sum of them both may amount to his ruin.

These disasters of the merchant must inevitably impair, if not extinguish the commercial intercourse between the two countries. This intercourse, exposed to unusual perils, and *oppressed with unprecedented burdens*, has already nothing in the voyage hither to tempt the enterprise of mercantile men; and should it be embarrassed with the restrictions of this condition, rendering the homeward voyage also unprofitable, it must undoubtedly cease. It is in

vain to expect the continuance of any branch of trade, which in all its relations, is attended with loss to those who are engaged in it.

I have taken the liberty respectfully to submit these observations to your excellency, not without a hope, that a consideration of them may lead to a remedy of the evils which they suggest. I pray your excellency to permit me to renew the assurance, &c.

(Signed)

JONA. RUSSELL.

His Excellency the Duke of Bassano.

#### No. 9.

#### [TRANSLATION.]

The minister of foreign relations has the honour to inform Mr. Russell, charge des affaires of the United States, that he will be happy to receive him at any time to day before two o'clock, if it should be convenient to him.

He begs him to accept the assurance of his perfect consideration.  
*Paris, 13th July, 1811.*

### CORRESPONDENCE

*Of George W. Erving, Esquire.*

*Mr. Erving to the Secretary of State.*

Copenhagen, June 23d, 1811.

SIR,

Having had my audience of his Danish majesty on the 5th instant, on the 6th I addressed to Mr. de Rosenkrantz, minister of state for foreign affairs, a note upon the subject of the American cases generally, then under adjudication, by appeal before the high court of admiralty, and on the 7th, a separate note respecting the cases of capture under British convoy. Copy of those two notes, [A. & B.] and the lists to which they refer, I have the honour herewith to submit. In an interview which I had with the minister on the 8th instant, in the course of conversation he told me, that, as the matter of both those notes was very important, and the latter particularly required a great deal of consideration, he must have them perfectly translated into the Danish language, to be laid before the king; therefore I must not expect very prompt replies; but in the mean time that he was sincerely desirous of doing, and would do every thing in his power to forward our business towards a favourable termination. I suppose that the convoy question may be referred to his Majesty's chancery, which is the highest tribunal, and that by which the King is accustomed to declare his will in matters which he does not submit to, or chooses to take out of, the ordinary course of proceedings.

Having now fully informed myself of the business intrusted to me, it is with very great satisfaction that I find myself authorized to state to you, that the evils which our commerce has suffered



here, though very considerable, yet have not been quite so extensive as has been generally believed; and you will learn also with very particular pleasure, that the depredations of the Danish privateers, have been discontinued since my arrival. I have prepared lists and statements with a view to place the whole matter before you, in the most particular, and at the same time most distinct and simple form. These will be completed when I have received returns from Norway and from Holstein, respecting the fate of some few of the cases which occurred in the year 1809. In the mean time I can state the results to be nearly thus:

Captures in 1809	-	-	-	-	-	38
Condemnations in 1809	-	-	-	-	-	12
Captures in Norway in the year 1810	-	-	-	-	-	36
Of which are pending in the high court 8, and not one has been finally condemned.						
Captures in Holstein, Sleswick and the Danish islands in 1810	-	-	-	-	-	68
Condemned	-	-	-	-	-	22
Pending	-	-	-	-	-	6
*Convoy cases, year 1810	-	-	-	-	-	18
Condemned	-	-	-	-	-	8
Pending	-	-	-	-	-	10
Total amount of captures in 1809 and 1810	-	-	-	-	-	160
Total condemnations, 42, of which 16 were vessels which had broken the embargo or non-intercourse, or are otherwise not genuine American cases.						
Pending cases, including 10 convoy cases	-	-	-	-	-	24

In this year, the only two vessels which reached these seas from the United States previous to my arrival, were taken (in the beginning of April) and condemned in Norway; two others just about the time of my arrival were carried in and are now under trial there; but since the 11th instant, upwards of forty vessels from the United States have passed through the Sound, and gone up the Baltic, and more or less are every day passing without interruption. The papers of some few have been slightly examined in the subordinate court of Elsinour. There have been tried in the lower prize court of this place, and acquitted without delay, two or three, and one of them with damages against the captors, being the first case in which damages have been given at Copenhagen. Finally, of the 14 cases (not convoy cases) which were pending before the high court on my arrival, four have been acquitted; and though the privateersmen and all concerned with them (and the ramifications of their business are immense) have made every effort to bring on condemnations, yet the tribunal, otherwise perhaps well disposed to proceed, has been steadily held back by the government; and I see the best reason to hope that at least eight of the remaining ten cases will be acquitted. As to the convoy cases my confidence is not so strong, yet even of them I do not despair; the ground on which they stand I am aware is not perfectly solid, yet I did not

feel myself authorized to abandon them, and therefore have taken up an argument, which may be difficult, but which I shall go as far as possible in maintaining.

I have had several interviews with Mr. de Rosenkrantz subsequent to that last mentioned, and have acquired additional reasons to hope for the king's perseverance in the change of system which has so happily taken place; but he discourages any expectation of indemnification for the injuries sustained by our commerce under that which now appears to be relinquished. Yesterday he told me very explicitly, that against the definitive decisions of the high court I must not hope for any redress; he trusted that for the future we should not have any cause to complain, but for the past there was no remedy. I thought it not opportune to enter much into the matter at that time, and therefore contented myself with some general protestations against his doctrines.

I cannot close this letter without acknowledging the very great services of Mr. Isaachsen, our consul at Christiansand; you will observe, sir, in the lists which I shall send to you, that of thirty-six vessels carried into the ports of Norway in the year 1810, only four were condemned in the inferior courts of that district; this has been wholly owing to the unwearied exertions of Mr. Isaachsen. He found our people in the most distressed situation; entirely friendless, in the hands of, surrounded by, and ready to be sacrificed to the rapacity of, the privateersmen and their connections; he volunteered in their service; he boldly opposed himself to the host of their oppressors; he made each man's cause his own; he provided for every man's wants; in short, his intrepidity and independence, and disinterestedness of character, his constant zeal and industry, saved them from ruin, and with gratitude very honourable to themselves, they never cease to praise him.

With the most perfect respect and consideration, I have the honour to be, sir, your most obedient servant,

GEORGE W. ERVING.

To the Honourable Secretary of State.

A.

*Mr. Erving to Mr. de Rosenkrantz.*

SIR,

Copenhagen, June 6th, 1811.

It was under the fullest conviction and the strongest sense of the injustice which has prevailed in the sentences of the Danish tribunals on cases of American capture, as well as an anxiety immediately to arrest the course of those excesses on the part of the privateers too much countenanced by such decisions, which are laying waste the property of American citizens, that I ventured on the 31st ult. and on the 2d instant, to request that the proceedings of the tribunals should be suspended, until having had the honour of presenting my credentials to his majesty, I should be enabled to enter into regular communication with your excellency.

In this first formal address to you upon the subject of the reclamations with which I am charged, it is incumbent upon me to express the extreme surprise and concern with which my government has seen the property of its innocent citizens, whilst employed in fair and legal commerce, ravaged by the cruisers of a nation between which and the United States the most perfect harmony has always hitherto subsisted, against which they have never heretofore found any cause of dispute or any ground of offence, and to which they felt themselves attached not merely by the ordinary ties of reciprocal good offices, but by a common interest in the defence and preservation of those neutral rights, which have so much contributed to the political importance of Denmark, by which her prosperity has been so greatly promoted, and which formerly foremost amongst nations she has so magnanimously and successfully contended for. But at the same time that I make this reflection so necessary and so obvious, I must also say, that the President retains an entire confidence in the personal good dispositions of his majesty, in his steady adherence to those great and liberal principles, and to those just political views which so eminently distinguish his character, and the President assures himself that it is only necessary that his majesty should be made acquainted with the nature and extent of the injuries which the rights of the United States, as a neutral nation, and the property of their citizens, have suffered and are still exposed to, to induce him to apply an immediate and an adequate remedy to the evils complained of. His majesty, on his part, cannot fail to feel that confidence in the correct views and honourable intentions of the United States, which their uniform conduct in all their negotiations and transactions with other powers has so justly entitled them to; nor can he be indifferent when the friendly relations and mutual good dispositions which have hitherto so invariably subsisted between the two countries, and which it is so much the interest of each to maintain, are in question.

Animated by the most just and friendly dispositions, the American government, whilst it resists all aggressions on its neutral rights, and will never cease to oppose all violations of the public law which may offend them, solicitously avoids any interference with the rights of others, nor will it admit, under cover of its name and authority, any practices which may have that tendency; it has therefore seen with the most indignant sensibility various instances of the prostitution of its flag by unprincipled adventurers in Europe, and I have it in express command to assure his majesty of its determination to discountenance by all practicable means such proceedings, and of its sincere disposition to co-operate with his majesty in detecting and punishing all similar frauds and impostures.

Your excellency will perceive in the frankness of these observations, and in the loyalty of this declaration, the true character of the American government; they will also, I trust, strengthen my title to that confidence on the part of his majesty which it is at once my duty and my desire to merit.

To carry into effect this two-fold purpose of my government; to protect the property of its citizens, and to cast off from any reliance on its protection, those spurious and fraudulent cases, (if any such actually exist), which have injured the character of the American trade and jeopardized the interests of American citizens, I will enter into candid explanations with your excellency upon all the questions which may arise on the case now pending; so as to establish the bona fide character of the vessels under adjudication, and thus remove from before his majesty every obstacle to that course of justice which he is always desirous to observe, and to a manifestation of the amicable and conciliatory feelings towards the United States which it is confided prevail in his mind.

I have the honour herewith to transmit to your excellency two lists, containing, together, 28 cases of American capture, being those now actually pending before the supreme court of admiralty on appeal, or waiting for his majesty's decision. The list, No. 1. comprising 12 of the whole number, are "convoy cases," that is, cases in which no question has been raised as to the genuine character of the vessels, but wherein the decision rests upon the clause "d," of the 11th article of the royal instructions of March 10th, 1810, declaring, as a cause of condemnation, "the making use of English convoy." I stated to your excellency in conversation, as well as in the note which I took the liberty of addressing to you on the 2d instant, that it would be my duty to object to the principle assumed in that declaration. I trust that I shall be able to show you that it is entirely novel, that it has not any foundation in public law, and that it has not even such sanction as might be supposed derivable from the practice of other nations. Certainly much effort will not be necessary to prove that it is entirely repugnant to the broad ground of neutral right, formerly occupied and firmly maintained by Denmark herself; but upon this point I propose forthwith to address to your excellency a separate note; in the present, I will confine myself to observations on the cases (16 in number), mentioned in the list, No. 2.

With respect to the "Egeria," Captain Law, I send to your excellency a separate note in reply to that with which you honoured me on the 2d instant. That case must now stand so perfectly clear, that I am sure I need not trouble you with any additional remark on it.

In the two cases, viz. "Nimrod" and "Richmond," the sole objection made, is to the French certificates of origin which they had on board; these are presumed to be forgeries, upon a supposition that at the time they bear date, the French consuls in the United States had ceased to issue such certificates. Now the cases must be relieved from that objection, and the question which has been raised upon French certificates of origin be put at rest for ever, by the facts which appear in the correspondence between the secretary of state of the United States and General Turreau, the French minister, a copy of which I have herewith the honour to enclose [No. 3.] Your excellency will observe, that in General

Turreau's letter of December 12th, replying to the secretary's letter of November 28th, it is expressly and unequivocally stated that the French consuls in America "had always delivered certificates of origin to American vessels for the ports of France," and, had also "*delivered them to vessels destined to neutral or allied ports*" by the authority of the French government; and that it was only by the United States ship "*Hornet*," which arrived in America on the 13th of November, 1810, that the French consuls received orders to discontinue the granting of such certificates to vessels bound to other ports than those of France. Your excellency will also perceive in the secretary of state's reply of December 18th, how important this explanation was deemed by the president in its application to the vessels of the United States taken by Danish cruizers upon the ground of their having on board such certificates.

Of the thirteen remaining cases in the list, No. 2, eight have been acquitted in the subordinate courts of Norway and at Flensburg, and are now depending in the high court on the appeals of the captors; and five have been condemned in the subordinate courts, and are now depending in the high court on the appeals of the American masters.

I annex to this note a summary of each class (A and B), showing the nature of the questions and objections which have arisen upon the several cases, and I do confide, that if your excellency will be pleased to lay it before the king, that his majesty will become immediately sensible to the undue proceedings of his tribunals, and will readily apply his royal authority to administer prompt and efficacious redress for the injuries and vexations which the commerce of the United States and its citizens are suffering.

I can only add, that in all cases where any doubt shall arise respecting the authenticity of American documents, I have it fully in my power to establish the truth: and I beg leave to re-assure your excellency, that on this point, as on every other, you shall not experience any proceedings on my part, which will not conform to the strict honour and good faith, to the just and liberal sentiments that characterize, and to the friendly and conciliatory dispositions towards his majesty which influence the government which I have the honour to represent. I offer to your excellency assurances of the very distinguished respect and consideration with which I am always, &c.

G. W. ERVING.

To Mr. de Rosenkrantz.

B.

Mr. Erving to M. de Rosenkrantz.

STR,

Copenhagen, June 7th, 1811.

With my note of yesterday, I transmitted to your excellency a list [No. 1.] of the "*convoy cases*," twelve in number: the two last in that list are not depending on appeal before the high court, as

is mentioned in a memorandum opposite to their names; the first eight vessels of the remaining ten were bound immediately from Petersburg and Cronstadt to the United States; they had all paid their Sound dues, and several of them had been examined before the Danish marine tribunals on entering the Baltic—and they were all arrested in going out by a British force, and compelled to join convoy. When that convoy was attacked by his majesty's gun-brigs, the Americans, not conscious of any illegality in the nature of their voyages, or of any irregularity in their own conduct, made not any efforts to escape: they were captured and brought into port. No question has been made as to the genuine American character of the vessels in question, but they have been condemned under the authority of the article "d," in the eleventh clause of his majesty's instructions for privateers, issued on the 10th March, 1810, which declares to be good prize "all vessels which have made use of British convoy, either in the Atlantic or the Baltic." At the time of this declaration, these vessels were in Russia, on the point of sailing, and wholly ignorant of it.

This is a brief history of the "convoy cases." It is now my duty to protest against the principle, assumed in the instructions referred to, upon which they have been condemned. I shall endeavour to show to your excellency, that it is wholly new; not founded in, or supported by, any reasoning to be derived from the law of nations—not even countenanced by precedents—and as wholly repugnant to the doctrines heretofore held by Denmark itself, as it is to the rights and to the interests of the United States.

That the belligerent has a right to ascertain the neutrality of vessels which he may meet with at sea, and therefore, under certain suspicious circumstances, to bring such vessels into port for examination, I am not disposed to deny: it may also be allowed, that the being found under enemy's convoy does afford such reasonable ground of suspicion, against the vessels so found, as to authorize their being sent into port for examination. But this is the full extent of the belligerent right on this point: the examination had, and the vessels being found bona fide neutral, must be acquitted. To say that the neutral shall be condemned on the mere fact that he was found under enemy's convoy, is to impose upon him a necessity of sailing without protection even against his own separate enemies; for the case might well happen, indeed has happened, that though neutral with regard to the belligerent powers, he has had an enemy against whom either of the belligerents was disposed to protect him. Of such protection the American commerce has often availed itself, during the war between the United States and Barbary powers; nor was it ever supposed by either of the great belligerent powers, that such commerce, so protected by its enemy, had thus become liable to capture and confiscation. The case might also occur, that of two allied belligerent powers, a third power should be enemy as to one and neutral as to the other: in that case, his seeking the protection of the common enemy of these

allied powers, against that of them to which he was enemy, could not subject him to capture and confiscation by the other allied power, with respect to which he was neutral; his right, in either of these and in all cases, to protect himself against his enemy by availing himself of whatever convoy offers, is unquestionable. I state these arguments against the *broad ground* taken in the royal instructions above quoted. But it will be said that the belligerent having also an unquestionable right to ascertain the neutrality of vessels, and belligerent rights being paramount to neutral rights where the two happen to be in collision, hence the attempt of the neutral to deprive the belligerent of his right, by putting himself under convoy, forms of itself a ground of capture and confiscation. To this I answer.

Firstly: That the belligerent rights, where they come into collision with those of neutrals, are not to be deemed in *all cases* paramount; and that nothing can establish such a general rule but force, which is not law or justice.

Secondly: That no presumption necessarily arises against the neutral, from the mere circumstance of his being found under enemies' convoy; but that this point will depend upon the peculiar circumstance of each case.

Thirdly: That where the belligerent and neutral rights conflict, all other circumstances being equal, the plea of necessity ought to decide the question in favour of the neutral. In the case supposed, the belligerent is seeking the mere exercise of a right, but the neutral is occupied, in his self-preservation.

Fourthly: Superadded to this reason in favour of the neutral right, is one springing out of the immutable principles of equity; for since, according to modern practice, the neutral has no representative in the judicature by which his cause is tried—that it is no longer an umpirage, or a court of arbitration—so his claim to a favourable leaning towards his right, in all questionable cases, is very much strengthened.

But it is also proper to inquire, whether the vessels in question did in fact put themselves under convoy with a view to avoid examination by Danish cruisers. Now it appears, in the first place, that they did not seek convoy for any purpose, but that they were forced into it. Apart, however, from that question, there were not any Danish laws or ordinances, which they knew of, subjecting them to capture; nor could they apprehend or anticipate any such; the less, as they had previously passed through the Sound, or Belt, in safety, and without convoy; hence they had not any motive to seek convoy as a protection against Danish cruisers. They had, indeed, other inducements to put themselves under convoy; the decrees of his majesty the emperor of France (since, happily for the harmony between the United States and France, repealed) were then in force: that system, working against the English orders in council, produced such a state of things with regard to the commerce of America, that scarcely one of its ships could move on

the face of the ocean without being exposed, under this unfortunate co-operation of hostile systems, to capture and confiscation: hence it is not surprising if American vessels have, from time to time, been terrified into the convoy, now of one party, now of the other. But had this happened in the cases before us, yet it would not have formed a just ground of capture and confiscation; for, the merits or demerits of the Berlin and Milan decrees out of the question, those decrees have not been adopted by Denmark: indeed, at the time the vessels were taken, his Majesty had not assumed any course, with respect to the American commerce, from which evil was to be apprehended: hence, I beg leave to repeat, that the vessels in question cannot be presumed to have sought protection under British convoy for the purpose of avoiding his cruisers. But, if the contrary had been proved, if it stood confessed that they had sought convoy against Danish cruisers; in that case they would have been liable to capture certainly, but it is equally certain that they would not have been liable to condemnation. I must again totally deny that the rule laid down in the article of the royal instructions above cited, is supported by any principle to be found in the law, and I can confidently ask your excellency to show me any authorities in its favour. If the writers be silent on the subject, then their silence is to be construed favourably for the neutral; it supposes that his right to sail under convoy, in all cases, is indisputable: what is not expressed, against this claim, cannot be implied; but, I will add, that all the analogies to be drawn from the law are in favour of the neutral. In this view, the rule laid down in the instructions, by its sweeping latitude, forms its own condemnation; for it would comprise not only vessels which might accidentally be within sight of, or at any indefinite distance from, an enemy's convoy, but vessels found in an enemy's harbour under cover of his guns. But the law says, that neutral goods so found under his forts, within his territory, or even on board his vessels at sea—which is to be as immediately and totally under his protection as is possible—that these are not liable to confiscation, but shall be restored to the neutral owners. The doctrine laid down by Grotius in the "*de jure belli ac pacis*" on this point, has never been refuted, but has, on the contrary, been adopted by subsequent writers: treaties, indeed, may have said otherwise, but treaties change not the law, they bind only the parties to them. I may equally ask your excellency to show me examples in the practice of nations, countenancing the rule laid down in the royal order; and I can quote, in favour of the neutral right, the example of England—a power which neither your excellency nor myself are disposed to extol for her moderation in the exercise of her belligerent rights, or for any dispositions which she has manifested favourable to those of neutrals.—England herself has never gone to the extent of condemning vessels upon the mere ground of their having been taken under enemies' convoy, but she has captured them in that situation and acquitted them.



I might occupy your excellency's attention by expatiating on the conduct of Denmark in former times, by carrying back your view to a consideration of that great system of neutral rights, which she so boldly adopted and so ably supported, in the year 1780—which are again recognized in her convention with Sweden of 1794—which she has subsequently co-operated with Russia to establish, and the leading feature of which still appears in the very royal instructions on which I have been commenting: but it would be an ungrateful task, and not necessary to be undertaken, because the mere mention of the subject carries conviction to the mind on the point to which I would apply it, and because, on every other, I have already said more than enough to establish the chief position with which I began: viz. that nothing to be found in the law will authorize the condemnation of neutral property upon the mere fact of its being found under enemies' convoy, and that therefore on due proof of its neutrality, it must be acquitted.

I consider it to be a propitious circumstance, that in acting upon this very important question, his majesty's government is unembarrassed by the claims of privateersmen, and that the cases of these vessels are thus presented in the plainest form, unmixed with any extraneous matter, the captures having been made by public ships, leaving the fullest scope to the magnanimity and justice of his Majesty's disposition. I have the honour, &c.

G. W. ERVING.

To his excellency M. de Rosenkrantz,  
first minister of state, &c.

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*Mr. Erving to the Secretary of State.*

SIR,

Copenhagen, July 15, 1811.

I have the honour herewith to enclose copies of my correspondence with this government since my last communication, viz.

No. 1. Mr. de Rosenkrantz's note of June 28th in reply to mine of the 6th and 7th of June.

No. 2. My note to Mr. de Rosenkrantz, of June 30th in reply to the above.

No. 3. Mr. de Rosenkrantz's note of July 9th in reply to mine of the 30th of June.

On the 28th of June, I waited upon the minister for the purpose of conversing with him on such part of his note of that date as respected the convoy cases, but did not obtain any thing more satisfactory than what is contained in it. On the 29th he went into the country, from whence he did not return until the morning of the 2d instant: in the mean time the cases were pressed forward in the high court, and it was determined to condemn four of them instantly, as though it were to preclude the possibility of any further remonstrance on my part. I had received an intimation of this intention on the 30th of June, and then wrote to Mr. de Rosenkrantz unofficially, hoping that he would be able to arrest the progress of the tribunal. On the 1st instant, having ascertained that

intention, I again addressed him in the same way, and in terms rather more forcible; that communication, though unofficial, Mr. de Rosenkrantz, actuated by the most friendly motives, immediately sent to his Majesty, yet it failed of its intended effect, and on the 2d instant four of the cases were condemn'd.

On receipt of the minister's last note (on the 9th), I again waited on him, and warmly remonstrated against this precipitate procedure, and the determination taken to condemn all the convoy cases without admitting any justificatory pleas; he reverted to whatever is found in his written communications to support the determination, and yet seemed to regret that it had been taken, but withal was unable to effect, and did not afford the least encouragement to hope for any modification of it; nevertheless, some of these are cases of great hardship, and I have concluded not to relax my efforts in their favour, whilst any one of them remains uncondemned.

In every other respect, the position of our affairs is not unsatisfactory, the privateers are discouraged, and nearly all our vessels pass without interruption. I transmit herewith lists and statements as correct as it is possible to make them, which place in the most distinct point of view whatever has passed in relation to, and the actual state of the business with which I am charged. With the most perfect respect and consideration, sir, your very obedient servant,

GEORGE W. ERVING.

To the Secretary of State.

No. I.

*Translation of a Note from Count Rosenkrantz to Mr. Erving, dated*

28th June, 1811

The undersigned, minister of state, chief of the department of foreign affairs, has laid before the king, his master, the notes which Mr. Erving, special minister from the United States of America, addressed to him on the 7th current. He is charged to assure this minister that his majesty has seen with great satisfaction, that the President of the United States recognizes the reciprocal utility of the relations which unite the two governments.

The king having always had it at heart to maintain a good understanding with the American government, would be much pained if he could be convinced that the subjects of the United States, who have carried on commerce or navigation either in the ports of his Majesty or in the waters which wash the shores of his states, and in the adjoining latitudes, have had just cause to complain of the treatment which they have met with here in consequence of the privateering which his majesty has been forced to authorize by the war into which the Danish nation have been drawn by the government of Great Britain. His majesty is persuaded, that the vessels

captured under the flag of the United States, have not been brought into his ports unless there was reason to suppose that the vessel was not duly authorized to carry that flag, or that she was engaged in an illicit trade. The ordinance as to privateering, which was published on the 28th of March of the last year, prescribed to those fitting out privateers, the conduct they were to pursue, and it also fixed the responsibility to which they were subjected. The high court of admiralty watches over the execution of this ordinance, which has met the approbation of all the governments of Europe.

If there have been many vessels under the American flag brought in, it is because there have been a great number of them furnished with false papers, that evidently carried on a simulated and justly prohibited commerce. It was naturally very difficult for the courts to distinguish at first, the navigation which was fair, and in rule (*en règle*), from that which was devoted to the service of the enemy of Denmark. The conduct of the navigators who followed the latter, compromised those who had nothing to reproach themselves with; but in every case where the high court of admiralty discovered that the papers on board proved, that the vessel was really American, and that the captain had not made an improper use of them to cover the property of the enemy, passing it off as American, the vessels and the cargoes have been released. There was one cause of a seizure and of process against American vessels, which in a certain degree applied to those that produced false papers, or to those in whose documents there were irregularities. This was the certificates of origin granted to American vessels by the French consuls residing in the ports of the United States. The French government caused it to be officially declared to the court of Copenhagen, on the 22d of September, that the consuls of France would not grant any more certificates of origin, and that every American vessel that had them on board, had so far false papers, and was to be treated accordingly. Taking into view the strict and happy union which subsisted between the king and his majesty the emperor of the French, his majesty could not but pay attention to this communication. He therefore ordered that the certificates of origin, which had been thus declared to be all false, should be considered by the prize courts as false documents, which would authorize the condemnation of the vessel that had them on board. The undersigned having been afterwards informed by the charge des affaires of his majesty in the United States, and more recently by Mr. Erving, that the consuls of France in the United States had not received the order of their government to abstain from granting these certificates, until the 13th of November of last year, by the *Hornet*, and that they had not ceased granting them until after that period, and having reported this to his majesty, he immediately directed that the certificates in question should no longer be injurious to the vessels that were furnished with them, provided that these certificates bore date prior to the 13th of November of last year.

The king has not confined himself to giving this proof of his attention to the remonstrance made to him on the part of the government of the United States. His majesty has also, having in view the representations made by the special minister of the United States, just ordered that the cases of the following vessels, under the American flag, brought into the ports of his dominion, viz.

Minerva, . . . . .	Captain Baker,
Resolution, . . . . .	Eldridge,
Pittsburg, . . . . .	Yardsley,
Maria Theresa, . . . . .	Phelps,
Amiable Matilda, . . . . .	Hague,
Minerva, . . . . .	Smith,

should be reported to him by his chancery before the definitive sentence was pronounced, in case the supreme court of admiralty should find that the charges, alleged by the captors, were so well founded as to make it probable that the sentence would be unfavourable to the vessels. Mr. Erving will be pleased to observe, that these are vessels acquitted in the first instance by the prize courts, and in whose cases appeals have been made by the captors. His majesty has also determined to cause to be reported to him in the same manner the cases of the following vessels :

Oscar, . . . . .	Captain Cunningham,
William and Jane, . . . . .	Bunker,
Washington, . . . . .	Almy,
Rachel, . . . . .	Joseph,
Charlotte, . . . . .	Pierce,

in which the masters of the vessels have had recourse to an appeal to the decision of the supreme court. The undersigned flatters himself that Mr. Erving will find in this comphage of the king his master, an evident proof of the desire of his majesty to see that the most exact justice may be observed towards the American vessels brought into the Danish ports.

His majesty, who has seen with great satisfaction that the President of the United States properly appreciates the sentiments of justice and equity which animate him, feels gratified in manifesting to him, that he desires to preserve and to cultivate on his part, the relations of good understanding and of amity, which have always subsisted between the Danish government and that of the United States of America. It is enjoined on the undersigned to charge Mr. Erving with assuring his government that the intentions of the king, his master, are invariable in this respect.

With regard to vessels under the American flag, arrested at sea by Danish cruizers, and which were found under the convoy of British ships of war, Mr. Erving will permit the undersigned to have the honour of observing to him, that when the fact is fully proven, the searching after, and the use made of the protection of the enemies of Denmark, in the seas which wash the shores of his majesty's dominions, or in those which environ them, cannot be viewed by the Danish government, but as having taken from these vessels their original character of neutrals. But the king, not having been wil-

ling, that the courts should attribute to vessels under the American flag, they having been placed (*de s'être mis*), under the protection of his enemies, unless the fact was proven, has very recently directed, that proofs the most evident be required to establish the fact, that a vessel under the American flag had been (*ait été*), under English convoy. The undersigned cannot but urge in favour of the principle established by the 11th article of the ordinance for privateering, the argument that he who causes himself to be protected, by that act ranges himself on the side of the protector, and thus puts himself in opposition to the enemy of the protector, and evidently renounces the advantages attached to the character of friend to him, against whom he seeks the protection. If Denmark should abandon this principle, navigators of all nations would find their account in carrying on the commerce of Great Britain under the protection of English ships of war, without running any risk. We every day see that this is done, the Danish government not being able to place in the way of it sufficient obstacles. The undersigned will add a single observation, which will serve to convince Mr. Erving, that this principle is, in the view of his majesty, as just as it is invariable. It is, that every Danish vessel which should make use of English convoy, is condemned, if she is convicted of it, in like manner as a foreign vessel. It is but too well known, that in all times, during maritime wars, neutral navigation has been exposed to embarrassments and delays. The Danish navigation has had experience of it in its time. It is, therefore, that the king has established rules for privateering which place the navigation truly neutral, under cover from vexations. His majesty would equally have wished entirely to have prevented captured vessels from experiencing delays of any importance, when it was found that they had their papers on board in order, (*en règle*), and that they had not improperly used them to carry on a simulated commerce, on account of the enmity of Denmark. He is convinced that he has taken for this purpose all the measures in his power, and he is resolved carefully to watch over their execution. These measures and the will (*volonté*) of the king, offer sure guarantees to the commerce of the United States, that the vessels under their flag will be able to navigate in the seas and waters visited by Danish cruisers, without any risk of being molested by them or brought in, if their papers are in order (*en règle*), and there is no reason to suppose that they have been improperly used. The vessel which is destined to carry into any port whatever, produce and merchandise, which are not admitted into that port, according to the laws of the state to which it belongs, will not be considered as in rule (*en règle*); and the navigators who may aim at employing their vessels in this way, will only have to blame themselves, if their enterprise leads to their injury.

The undersigned, in acquitting himself, as he has just done, of the orders of his sovereign, cannot deprive himself of the honour of again reminding Mr. Erving that the navigation and commerce of the citizens of the United States, found a reception and an outlet

for the productions of their country, in the ports' under the dominion of the king of Denmark, at a time when they did not enjoy the same advantages in the ports of the greater part of the states of Europe. This circumstance will sufficiently prove to the American government, that that of Denmark is fully aware of the reciprocal utility of the relations of commerce and of good understanding between the two nations.

The undersigned has the honour of renewing to Mr. Erving, the assurance of his high consideration.

(Signed)

ROSENKRANTZ.

G. W. Erving, Esq. &c.

## No. 2.

*Mr. Erving to Mr. de Rosenkrantz.*

Copenhagen, June 30, 1811.

The undersigned, special minister of the United States of America, has received the note which his excellency M. de Rosenkrantz, first minister of state and chief of the department of foreign affairs, was pleased to address to him on the 28th instant, in reply to the representations made by the undersigned on the 6th and 7th instant, respecting the reclamations with which it is charged. He shall immediately transmit his excellency's said note to the government of the United States, and is persuaded that the president will receive with great satisfaction, the reciprocation which his majesty has therein offered of the friendly sentiments which the undersigned was ordered to express: these dispositions and the just and liberal views of his majesty, with regard to the neutral commerce of the United States as declared in his excellency's note, since they leave not the least doubt but that his majesty has been wholly unaware of the great injuries which that commerce had lately sustained within his dominions, afford to the undersigned the happy presage of a favourable termination to the business with which he is intrusted, and a sure pledge that the harmony which has hitherto always subsisted between the two governments, will still be maintained in its full extent and perfection.

Thus assured of meeting on the part of his majesty's government with no dispositions but those which are of the most just and friendly character, it is with more than ordinary pleasure that the undersigned proceeds in the performance of his duty.

His excellency, the minister of state, after showing the causes which have occasioned the capture of so many vessels under the American flag observes, that in all cases where the supreme tribunal of admiralty has found that the papers on board such vessels prove their American character, and where their neutrality has not been abused by any attempt to cover enemy's property under stimulated papers, both vessels and cargoes have been released. Such is undoubtedly the impression on the mind of his majesty, who has been convinced that the inquiries pointed out by his in-

structions have been conducted with all the impartiality by which those instructions were dictated: but it can be shown in a multiplicity of cases that the high court has entered into matter entirely irrelevant to the object of the instructions; that it has given weight to evidence entirely inadmissible, and has resorted to pretexts for condemnation entirely insufficient: it shall be shown to his majesty, that, thus contrary to his royal intention, a great mass of American property has been unjustly condemned in the high court—whether by a mis-construction or mal-application of his majesty's regulations; the undersigned will not undertake to say—perhaps it may not be important to inquire, since, be the source of this evil what it may, to the royal sense of justice only the injured now have to look, and they look with confidence for redress. The details upon this subject will be voluminous: the undersigned will here point only to one, and that a recent decision (being the first which presents itself,) by way of exemplification.

In the case of the American ship “Swift, Champlin.” In the high court on the 11th March, 1811, this ship was condemned on an allegation that Captain Champlin had thrown some papers overboard; which allegation had no better or other support than the oaths of seven of the privateer's men who captured her. It is to be observed on this sentence,

*Firstly*, as to the alleged fact. The royal instructions of March, 1810, after stating what shall be deemed causes of condemnation, in the 12th section states what shall be cause of suspicion, and subject vessels to further examination; and in the article “e” specifies the throwing overboard or destroying of papers. This throwing overboard of papers then, constitutes ground of suspicion only, and authorizes further examination with a view to ascertain whether that fact can implicate the neutral character of the vessel. Now, in the course of the further examination on this trial, the neutrality of the ship and the fairness of her voyage were fully established; the alleged circumstance with respect to her papers therefore remained naked, and unsupported by any sort of ground or pretext for condemnation—and yet she was condemned!!!

*Secondly*, as to the evidence. The American master objected, that it was contrary to all the principles of justice and law to admit the evidence of privateersmen, who are parties interested in his condemnation; but the court decided that they were not interested, and that their evidence must be admitted! and that the evidence of the crew of the American ship should not be admitted to rebut it! The American master then went on to show that the witnesses were interested, and produced a contract made between them and the owners of the privateer (the authenticity of which was acknowledged) by which it appeared that the equipage of the privateer were to receive half of the next prize which they might take, still the court determined that they were not interested in the condemnation of this ship, and that their evidence should be admitted!! The American minister then went on to prove that it was impossi-

ble they should have sworn truly: they had declared that the papers thrown overboard were of the size of about six inches square, and had been passed through a certain opening in the afterpart of the ship; the American master proved, by the examination and declaration of two Danish masters, that the privateersmen could not have seen them dropped into the water as they had stated; and further, that the hole pointed out was not large enough for them so to have been passed through: but neither did these proofs produce any effect in favour of the American; he was predestined to condemnation. The court had no disposition to reject the evidence of the privateersmen, though the same privateersmen had produced two other men to swear that they had seen this same ship, "*Swift*," at Liverpool—and Captain Champlin proved that, one day after the day in which this evidence stated that he was at Liverpool, he spoke his Majesty's gun-brig the "*Sea-Gull*!"

The undersigned trusts that any comment whatever, upon such a sentence, would be entirely superfluous—a sentence, in direct violation of his Majesty's instructions. He will only add, that the property *thus condemned*, is valued at 100,000 Spanish dollars! The explanation which the minister of state gives, as to the objection made by the tribunals to French certificates of origin, and the order which his Majesty has now been pleased to issue on that subject, though applying only to two of the cases, viz. "*Nimrod*" and "*Richmond*," named in the lists transmitted to his excellency on the 6th instant, and both lately acquitted, cannot fail of being satisfactory: but, observing therein that the notification made by the French government was not till the 22d of September, the undersigned cannot refrain from again adverting to the conduct of the high court, which, in a sentence given on the 22d of December, in the case of the "*Agents*," Row, justified the *capture* of that ship in the month of *June*, upon the ground that she had with her papers a French certificate of origin; and upon that same ground, *and upon that only*, decreed that a sum of 500 rix-dollars should be paid to the captors! Precisely the same decision was given, about the same time, in the case of the "*Julian*," Abbott.

In the order which his majesty has now issued with respect to the eleven cases pending in the high court, and as specified in the minister of state's note, the undersigned recognizes the determination of his majesty to insure justice to the American claims; and he has the honour to assure his excellency the minister, that the president will receive with peculiar satisfaction the declaration of his majesty accompanying this act, and charging the undersigned to communicate to his government his majesty's invariable disposition to cultivate the good intelligence and friendly intercourse which ought always to subsist between the two countries.

When on every other point there is the pleasing prospect of a perfect accord, it is with regret that the undersigned feels the necessity imposed on him of differing in opinion with his excellency M. de Rosenkrantz on the subject of the convoy cases, and of con-



testing some of the doctrines which the minister has laid down as applicable to those cases.

His excellency has not thought proper to reply to the reasoning upon which the undersigned based his reclamation, which therefore remains in its entire force; nor has he produced any thing which can be deemed satisfactory in support of the principle assumed in the royal instruction to which that reasoning has been applied. The minister of state has produced in favour of the principle in question of the single argument, that he who puts himself under the protection of another, does thereby take side with his protector, and renounces the advantages which belong to the quality of friend as to him against whom he seeks protection. In vain are the books examined to discover the source from which this argument is drawn; in vain are history and records of diplomacy resorted to, for authority or for any countenance given to the doctrine which it embraces: but these books and these records, have they lost their title to respect? Have they become a dead letter? His majesty certainly does not assume to act on principles unknown to them; to originate a practice at once undefiled in its limits and rigorous in its character beyond all precedent; in hostility also with the ancient doctrines of Denmark, and a stranger to all her maritime codes; so much a stranger as that it is not found even in the royal instructions issued on the 14th September, 1807. His excellency the minister of state supposes an acquiescence in this new rule upon the consideration that it is applied to Danish ships as well as to strangers. Certainly the United States will never dispute the equity or propriety of any law emanating from his majesty's authority and applied to his own subjects; but it is equally certain that they found their rights upon the public law only, and cannot consent to place them at the disposition of any partial authority, or to limit them by the convenience of the belligerent powers. It is not readily conceived how Danish ships or ships of the allies of Denmark, being subject to the capture of the enemy, can be found under his convoy; vessels carrying such flags, and so found, cannot but be enemy's property; but if by whatever means his majesty's subjects do put themselves under enemy's convoy, they are doubtless guilty of a high crime, and richly merit all the punishment which his laws inflict; but is the same rule to be applied to the property and to the citizens of a neutral and independent power?

Thus much the undersigned has found it his duty to say in addition to what has before been stated and remains unanswered respecting the principle assumed in the royal instruction of March, 1810: but he finds one part of the minister's note which, as he apprehends, goes much beyond that instruction, and which would preclude the neutral from any kind of justification for being found under enemy's convoy.

It were a gross dereliction of the interests of the United States should the undersigned leave the least room for his excellency to suppose that the American government will accede to the fiction

propounded by his excellency, viz: "that neutral vessels found under enemy's convoy *have eo facto lost their original quality of neutrals.*" This idea was certainly more fully and distinctly expressed in conversation, and seeing that there are parts of his excellency's note which favour a different conclusion, he eagerly seizes the hope that it is not really intended to carry the doctrine to such an extent; yet as in a matter of such importance nothing should remain equivocal, the undersigned, desirous of laying it before the president in the most distinct manner, requests that he may be favoured with an explanation as to whatever is susceptible of misconstruction.

His excellency, pursuing the idea above cited in mentioning the instructions which his majesty has now given to his tribunals to direct their examinations on American vessels found under enemy's convoy, says, "que les preuves les plus évidentes seront requisés pour prouver qu'un navire sous pavillon Américain *ait été* sous convoi Anglois." Yet it is hoped that the words *ait été* are not intended to be connected with what is above quoted, but rather that they are to be governed by the sense of the words, "s'être mis sous la protection" found in the same sentence; by the words "la recherche et l'usage faites" in the paragraph preceding; by the words "se fait protéger," which will bear the same construction in the paragraph following; and finally, by the words in the article "d," clause 11th, of the royal instructions of March 1810, construed "using convoy," which must be supposed to mean a voluntary use of convoy, and cannot intend vessels which have been forced into or have accidentally found themselves in convoy. For, to condemn vessels under such unfortunate circumstances! is that the course of a power friendly to the neutral? This reflection so strengthens the above construction of the words used in the royal order of March 10th as not to leave a possibility of supposing that His Majesty intended that such innocent vessels should be affected by it.

The undersigned cannot conclude this note without expressing his full confidence that the friendly dispositions professed by his Majesty will dispose him so to regulate the conduct of his tribunals upon the convoy cases as to satisfy the just claims of the United States, or without assuring his excellency the minister of state in reply to the last observation in his note, that the American government is also fully sensible to the value of the commercial and friendly relations which have always subsisted between the two countries.

### No. 3.

Count Rosenkrantz to Mr. Erving, dated

Copenhagen, 9th July, 1811.

The undersigned, minister of state and chief of the department of foreign affairs, has seen with very particular satisfaction from the note of Mr. Erving, minister of the United States of America, under date of the 30th ultimo, that he was not disappointed in his expectation of finding that Mr. Erving would acknowledge the sentiments of justice and equity which animate the King his master,

as well as the desire of his Majesty to maintain a good understanding with the government of the United States. But it is not without pain that the same minister of state sees that Mr. Erving remonstrates against the sentences already definitively pronounced.—It is with the same sentiment that the undersigned finds himself charged by the orders of his sovereign to repeat to the minister of the United States, that his Majesty cannot make any general change in the regulations of the ordinance for privateering, issued on the 28th March last year, and in consequence none in the 11th, which under the letter “d” declares that neutral vessels, that make use of the convoy or of the protection of the vessels of war of Great Britain, are to be considered as good prize if the Danish privateers capture them under convoy. The undersigned must repeat that the rule laid down by that article of the ordinance, will be followed by the prize courts whenever the proofs are clear, that the vessels under American flags as well as those of other nations are found in a convoy under the protection of the enemies of Denmark. He does not wish to repeat here what he had the honour of stating on this subject in his preceding note; but he begs Mr. Erving to be so good as to observe to his government that none of the powers of Europe have called in question the justice of this principle.

Mr. Erving has observed, that notwithstanding the Danish courts had not been directed to consider the certificates of origin granted by the French consuls in the ports of America, as false until the 22d September of last year, there has nevertheless been imposed upon two vessels acquitted by the supreme court of admiralty, a fine solely for having these certificates on board, as Mr. Erving has been informed. The undersigned, although he is not informed of these facts, will not call in question the assertion of the minister of the United States; and he must consequently suppose that the suspicion of the legality of these certificates was excited by the public declaration which was before made on the part of the French government, that the consuls of France were not authorized to grant the certificates in question, and that for that reason the courts have decided that the captors were justified in bringing in the vessels for examination.

(Signed) .

ROSENKRANTZ.

Honourable Mr. Erving, &c. &c. .

## LETTER

*From the Secretary of the Treasury, transmitting his Annual Report, prepared in obedience to the Act, supplementary to the Act, entitled "An Act to establish the Treasury Department."*

Treasury Department, November 22, 1811.

SIR,

I have the honour to enclose a Report prepared in obedience to the act, entitled "An Act to establish the Treasury Department."

I have the honour to be,

Very respectfully, sir,

Your obedient servant,

ALBERT GALLATIN.

*The Hon. The Speaker of the House of Representatives.*

## REPORT

IN obedience to the directions of the "Act supplementary to the act, entitled 'An Act to establish the Treasury Department,' the Secretary of the Treasury respectfully submits the following report and estimates:

## RECEIPTS AND EXPENDITURES.

1. *To the End of the Year 1811.*

The actual receipts into the Treasury, during the year ending on the 30th of September 1811, have consisted of the following sums, viz.

CUSTOMS, sales of lands, arrears, repayments, and all other branches of revenue, amounting together, as appears by the statement (E) to		Dollars	13,541,446 37
Temporary loan of 31st December, 1810	-		2,750,000
Total amount of receipts	-		16,291,446 37
Making, together with the balance in the treasury, on the 1st of October 1810, and amounting to	-		3,459,029 72
An Aggregate of	-	Dollars	19,750,476 09

*The Disbursements during the same Year have been as followeth, viz.*

Civil department, including miscellaneous expenses, and those incident to the intercourse with foreign nations,	-	-	Dollars 1,360,853	98
Army, fortifications, arms and arsenals,	2,129,000			
Navy department,	-	-	2,136,000	
Indian department,	-	-	142,725	
			<hr/>	4,407,725
Payments for interest on the public debt,	-	-	2,225,800	93
			<hr/>	
Total current expenses,	-	-	7,994,384	91
Reimbursement of the temporary loan (in March and September 1811)	-	-	2,750,000	
Payments on account of the principal of the public debt,	-	-	5,058,272	82
			<hr/>	
Amounting together, as will appear more in detail by the statement (E) to	-	-	15,802,657	73
And leaving in the treasury, on the 30th September 1811, a balance of	-	-	3,947,818	36
			<hr/>	
			Dollars 19,750,476	09

The actual receipts arising from revenue alone, and exclusively of the temporary loan, since reimbursed, appear from this statement to have exceeded the current expenses, including therein the interest *paid* on the debt, by a sum of more than five millions and a half of dollars. But the payments on account of interest, during the year ending on the 30th September, 1811, have, from an unavoidable delay in making the usual remittances to Holland, fallen short of the amount due during the same period; and the real excess of receipts arising from revenue, beyond the current expenses, including therein the interest *accrued* on the debt, amounts only to near 5,100,000 dollars.

The receipts for the last quarter of the year 1811, are estimated at 3,300,000 dollars; and the expenditures (including the payment of arrears of interest, and near 2,160,000 dollars on account of the principal of the public debt) at 4,300,000 dollars, which will leave at the end of the year, a balance in the treasury of near three millions of dollars. It will not, therefore, be necessary to resort, for the service of the present year, to the loan authorized by the act of the last session of Congress.

## 2. Year 1812.

It is ascertained that the net revenue arising from duties on merchandise and tonnage, which has *accrued* during the three first quarters of the year 1811, exceeds six millions of dollars; and it may for the whole year be estimated at 7,500,000 dollars.

The custom-house bonds outstanding on the first day of January, 1812, and falling due in that year, are also estimated, after deducting bad debts, at 7,500,000 dollars. This sum may therefore be assumed as the probable amount of receipts into the treasury, during the year 1812, on account of duties on merchandise and tonnage; the portion of the revenue arising from importations subsequent to the present year, which will be received in 1812, being considered sufficient to pay the debentures and expences of collection of that year.

The payments made by purchasers of public lands north of the river Ohio having, during the two last years, after deducting the expences and charges on that fund, amounted to near 600,000 dollars a year, that branch of revenue may, for the present, be estimated at that sum. Allowing one hundred thousand dollars for the other small items of revenue, which consist principally of arrears and repayments, the whole amount of actual receipts into the treasury during the year 1812, may therefore be estimated at

Dollars 8,200,000

*The current Expences for the same Year are estimated as followeth, viz.*

1. Expences of a civil nature, both domestic and foreign,	Dollars 1,260,000
2. Military and naval establishments, according to the estimates of those two departments, and including the additional permanent appropriations for the purchase of arms, and for Indian annuities, viz.	
Army (including 32,000 dollars for the militia)	2,581,000
Arsenals, arms, and ordinance,	6,14,000
Naval department,	2,500,000
Indian department,	220,000
	<hr/> 5,915,000
3. Interest on the public debt,	2,225,000
Amounting, together, to	<hr/> Dollars 9,400,000

and exceeding by 1,200,000 dollars the probable amount of receipts. This deficit may be paid out of the sum of three millions of dollars in the treasury. But under existing circumstances, it does not seem eligible to exhaust that fund; and the estimate of receipts being also liable to more than usual uncertainty, the propriety of authorizing a loan sufficient to supply that difference, and to defray such other extraordinary expences as may be incurred during the year, is respectfully submitted.

It must at the same time be observed, that the sum of 9,400,000 dollars thus stated as the amount of current expenses for the year 1812, includes in fact a portion of extraordinary expenses arising from the present state of affairs. For if the military and naval expenditure had been estimated at a sum not exceeding the amount actually expended for those objects during the year ending on the 30th of September, 1811, that is to say, at 4,400,000, instead of 5,900,000 dollars, the estimate of receipts would exceed that of current expenses.

The disbursements on account of the naval establishment have amounted in the year ending on

30th September, 1810, to	1,675,000
And in the year ending on 30th September, 1811, to	2,136,000
They are estimated for the year 1812, at	Dollars 2,500,000

The disbursements on account of the military establishment have amounted in the year ending on

30th September, 1810, to	2,309,000
And in the year ending on 30th September, 1811, to	2,129,000
They are estimated for the year 1812, at	Dollars 3,195,000

But the detailed annual estimates of the year 1812, will show that they are predicated on the employment of almost the whole naval force, and of the whole military establishment of the United States, as authorized by law, covering, besides several other items, all the expenses of more than 17,000 effective men in the land and sea service.

With respect to the payments on account of the principal of the debt, it is evident that an authority to borrow a sum equal to that which will be reimbursed during the year 1812, will be necessary. The payments which, according to law, must be made during that year, on that account, consists of

1. Annual reimbursement of six per cent. and deferred stocks, - - - - - 1,570,000
2. Reimbursement of the residue of the converted stock - - - - - 565,318 41

Amounting, together, to - - - Dollars 2,135,318 41

This sum, and that payable for interest, amounting, together, to 4,360,000 dollars, leave, in order to complete the annual appropriation of eight millions, a balance of 3,640,000 dollars, which can be applied in no other manner than in purchases of stock at the prices limited by law. The amount which may be thus applied, is therefore uncertain,

#### PUBLIC DEBT.

It appears that the payments on account of the principal of the public debt will, from the 1st of October, 1810, to the 31st December, 1811, have exceeded six millions four hundred thousand dol-

lars. With the exception of the annual reimbursement of the six per cent. and deferred stocks, there will remain at the end of the year, 1811 no other portion of the public debt reimbursable at the will of the United States, than the residue of converted stock amounting, as above stated, to 565,000 dollars, and which will be paid in the year 1812. There being nothing afterwards left, on which the laws passed subsequent to the year 1801, for the redemption of the debt can operate, a general view of the result and effect of those laws, will now be presented.

Exclusively of near three millions of unfunded debt, since reimbursed, as detailed in the report of the 18th of April, 1808, the public debt of the United States amounted, on the 1st of April, 1801, to

Dollars 79,926,999

as will appear by statement (D.)

The whole amount of principal extinguished during the period of ten years and nine months, commencing on the 1st of April, 1801, and ending on the 31st of December, 1811, exceeds forty-six millions of dollars, viz.

Foreign debt paid in full - - - - - Dollars 10,075,004

Eight per cent. five and a-half per cent.

four and a-half per cent. and navy six

per cent. stocks, and temporary loans

due on the 1st of April, 1801, to the

Bank of the United States, all paid in

full - - - - - 12,657,700

Six per cent. and deferred stocks, includ-

ing the exchange stock reimbursed, 20,820,744

Three per cent. stock, including converted

stock reimbursed - - - - - 2,370,269

Registered debt, and debt due to foreign

officers - - - - - 90,093

40,022,810

Leaving the amount of old debt unre-

deemed on the 1st of January, 1812 - - -

33,904,189

And consisting of the following species, viz.

Six per cent. and deferred stocks unre-

deemed, amount - - - - - 17,067,056

Three per cent. stock - - - 16,157,890

Converted ditto - - - 565,318

16,723,208

1796 six per cent. stock - - - 80,000

Registered debt, and debt due to foreign

officers - - - - - 33,885

Dollars 33,904,189



Amount brought forward -	Dollars 33,904,189
And to which adding the Louisiana six per cent. stock being a new debt contracted subsequent to the 1st of April, 1801	11,250,000
Makes the whole amount of public debt on the 1st of January, 1812	45,154,189
<hr/>	
The annual interest on the public debt, due on the 1st of April, 1801, amounted to	4,180,463
The annual interest on the public debt, extinguished between the 1st of April, 1801, and the 1st of Ja- nuary, 1812, amounts to	2,632,982
Leaving for the amount of annual interest on the old debt, unredeemed on the 1st of January, 1812	1,547,481
The annual interest on the Louisiana stock is	675,000
Making the annual interest on the whole due on the 1st of January, 1812	2,222,481
Which subtracted from the annual interest on the debt due on the 1st of April, 1801	4,180,463
Leaves for the difference between the amount of in- terest respectively payable at those two dates	1,967,942
<hr/>	

The disposable national revenue, or that portion which alone is applicable to defray the annual national expenses, consists only of the surplus of the gross amount of revenue collected, beyond the amount necessary for paying the interest on the public debt. A diminution of that interest is, with respect to the ability of defraying the other annual expenses, a positive increase of revenue to the same amount. With an equal amount of gross revenue, the revenue applicable to defray the national expenses is now, by the effect of the reduction of the debt, two millions six hundred thousand dollars greater than on the 1st day of April, 1801. Or if another view of the subject be thought more correct, the laws for the reduction of debt have in ten years and nine months enabled the United States to pay in full the purchase money of Louisiana, and increased their revenue near two millions of dollars.

If the amount of annual payments on account of both the principal and interest of the public debt, during the last eight years, be contrasted with the payments hereafter necessary for the same purpose, the difference will be still more striking. Eight millions of dollars have been annually paid on that account during those eight years. The whole amount payable after the year 1812, including the annual reimbursement on the six per cent. and deferred stocks, is 3,792,382 dollars, making an annual difference of more than four millions two hundred thousand dollars, which will be liberated from that appropriation. And this annual payment of about three millions eight hundred thousand dollars, would have been

sufficient, with some small variations, to discharge, in ten years the whole of the residue of the existing debt, with the exception of the three per cent. stock, the annual interest on which amounts only to 485,000 dollars. The aspect of the foreign relations of the United States forbids, however, the hope of seeing the work completed within that short period.

The redemption of principal has been effected without the aid of any internal taxes, either direct or indirect, without any addition during the last seven years to the rate of duties on importations, which on the contrary have been impaired by the repeal of that on salt, and notwithstanding the great diminution of commerce during the last four years. It therefore proves decisively the ability of the United States, with their ordinary revenue, to discharge in ten years of peace a debt of forty-two millions of dollars, a fact which considerably lessens the weight of the most formidable objection to which that revenue, depending almost solely on commerce, appears to be liable. In time of peace it is almost sufficient to defray the expenses of a war: in time of war, it is hardly competent to support the expenses of a peace establishment. Sinking at once under adverse circumstances from fifteen to six or eight millions of dollars, it is only by a persevering application of the surplus, which it affords in years of prosperity, to the discharge of the debt, that a total change in the system of taxation, or a perpetual accumulation of debt can be avoided. But if a similar application of such surplus be hereafter strictly adhered to, forty millions of debt contracted during five or six years of war, may always, without any extraordinary exertions, be reimbursed in ten years of peace. This view of the subject has, at the present crisis, appeared necessary, for the purpose of distinctly pointing out one of the principal resources within the reach of the United States. But to be placed on a solid foundation, it requires the aid of a revenue "sufficient at least to defray the ordinary expenses of government, and to pay the interest on the public debt, including that on new loans which may be authorized."

#### *Provision for the ensuing Years.*

The revenue is derived from two sources, the duties on importations, and the sales of public lands.

The net revenue arising from duties on merchandise and tonnage, which accrued during the year 1809, amounted to  
Dollars 6,527,168

The net revenue arising from the same sources, which accrued during the year 1810, amounted to - - - - - Dollars 12,513,490

The same revenue for the year 1811, is estimated, as has already been stated, at - - - - - Dollars 7,500,000

A portion of the revenue of this year having been collected on British merchandise imported before the prohibition took effect,

the permanent revenue, arising from duties on tonnage and merchandise, will not probably at their present rate, and under existing circumstances, exceed - - - - - Dollars 6,000,000

The sales of public lands north of the river Ohio, have, during the year ending on the 30th of September, 1811, amounted to 207,000 acres, and the payments by purchasers to 600,000 dollars. It has already been stated, that those payments, on the average of the two last years, amount, after deducting the expenses and charges on that fund, to the annual sum of - - - - - Dollars 600,000

The sales in the Mississippi Territory being in the first instance appropriated to the payment of 1,250,000 dollars to the state of Georgia, are distinctly stated.

The permanent revenue, or annual receipts after the year 1812, calculated on the existing state of affairs, may therefore be estimated at. - - - - - Dollars 6,600,000

Which, deducted from the annual expenditures calculated on the same principle, and amounting by the preceding estimates for the year 1812, to - - - - - 9,200,000

Leaves a deficiency to be provided for, of - - - - - Dollars 2,600,000

An addition of fifty per cent, to the present amount of duties (together with a continuance of the temporary duties heretofore designated by the name of "Mediterranean Fund") will be sufficient to supply that deficiency, and is respectfully submitted. This mode appears preferable for the present to any internal tax. With respect to the sales of public lands, besides affording a supplementary fund for the ultimate redemption of the public debt, they may, without any diminution of revenue, be usefully applied as a bounty to soldiers enlisting in the regular service, and in facilitating the terms of loans. But it does not appear, that the actual receipts into the treasury arising from the sales, can be materially increased, without a reduction of the price; unless it be by an attempt to offer certain portions for sale in the large cities of the Union.

The same amount of revenue would be necessary, and with the aid of loans would, it is believed, be sufficient in case of war. The same increase of duties would, therefore, be equally necessary in that event. Whether it would be sufficient to produce the same amount of revenue as under existing circumstances, cannot at present be determined. Should any deficiency arise, it may be supplied without difficulty by a further increase of duties, by a restoration of that on salt, and by a proper selection of moderate internal taxes. To raise a fixed revenue of only nine millions of dollars, is so much within the compass of the national resources, so much less in proportion than is paid by any other nation, that under any circumstances, it will only require the will of the legislature to effect the object.

The possibility of raising money by loans to the amount which may be wanted, remains to be examined. For the fact, that the United States may easily, in ten years of peace, extinguish a debt of forty-two millions of dollars, does not necessarily imply that they could borrow that sum during a period of war.

In the present state of the world, foreign loans may be considered as nearly unattainable. In that respect, as in all others, the United States must solely rely on their own resources. These have their natural bounds, but are believed to be fully adequate to the support all the national force that can be usefully and efficiently employed.

The ability and will of the United States faithfully to perform their engagements are universally known; and the terms of loans will in no shape whatever be affected by want of confidence in either. They must however depend, not only on the state of public credit, and on the ability to lend, but also on the existing demand for capital required for other objects. Whatever this may be, the money wanted by the public must be purchased at its market price. Whenever the amount wanted for the service of the year, or the whole amount of stock in the market shall exceed certain limits, it may be expected that legal interest will not be sufficient to obtain the sums required. In that case the most simple and direct is also the cheapest and safest mode. It appears much more eligible to pay at once the difference, either by a premium in lands, or by allowing a higher rate of interest, than to increase the amount of stock created, or to attempt any operation which might injuriously affect the circulating medium of the country. This difficulty, and it is the only serious one which has been anticipated, will not indeed, if analysed, appear very formidable. For, to take an extreme case, and supposing even forty millions of dollars to be borrowed at eight instead of six per cent. a year, the only difference would consist in the additional payment of eight hundred thousand dollars a year, until the principal was reimbursed: a payment inconvenient indeed, and to be avoided if practicable, but inconsiderable if compared either with the effects of other means of raising money, or with some other branches of the public expenditure.

It appears, from the preceding estimates, that nothing more may be strictly wanted for defraying, during the year 1812, the expenses as yet authorized by law than an authority to borrow a sum equal to that which may be reimbursed on account of the principal of the public debt. With a view to the ensuing years, and considering the aspect of public affairs presented by the executive, and the measures of expense which he has recommended, it has been attempted to show:

1. That a fixed revenue of about nine millions of dollars is necessary and sufficient, both under the existing situation of the United States, and in the event of their assuming a different attitude.

2. That an addition to the rate of duties on importations is at present sufficient for that purpose, although in the course of events it may require some aid from other sources of revenue.

3. That a just reliance may be placed on obtaining loans to a considerable amount, for defraying the extraordinary expenses which may be incurred beyond the amount of revenue above stated.

4. That the peace revenue of the United States will be sufficient, without any extraordinary exertions, to discharge in a few years, the debt which may be thus necessarily incurred.

All which is respectfully submitted.

ALBERT GALLATIN.

*Treasury Department, Nov. 22d, 1811.*

*Exportation of Foreign Merchandise, of Payments for Bounties and Allowances and for Expenses of Collection, during the Years 1809 and 1810.*

Years.	DUTIES ON			Deductions Bounties and		Gross Revenue.	Expenses on Collection.	Net Revenue.
	Merchandise.	Tonnage.	Pass-ports and Clearances.	Issued.	Allowances.			
1809	11,603,071 27	151,963 13	22,660	4,706,698	48,940 18	7,022,163 22	494,998 02	6,527,163 20
1810	16,601,711 71	169,161 24	23,423	3,930,463	2,238 05	12,952,872 90	480,382 87	12,513,490 03
(a) Gross revenue for the year 1810						-	12,952,872 90	
Deduct interest and storage						-	30,701 95	

Gross revenue - - - Dollars, 12,922,170 95

*A STATEMENT of the Amount of American and Foreign Tonnage employed in Foreign Trade, for the year 1810, as taken from the Records of the Treasury.*

American Tonnage in foreign trade	-	-	-	-	-	Tons	906,434
Foreign tonnage	-	-	-	-	-	-	80,316
Total amount of tonnage employed in the foreign trade of the United States	-	-	-	-	-	-	986,750
Proportion of foreign tonnage to the whole amount of tonnage employed in the foreign trade of the United States,	-	-	-	-	-	-	8.1 to 100

TREASURY DEPARTMENT,

*Register's Office, Nov. 9, 1811.*

JOSEPH NOURSE, Register.

*Of the Duties which accrued on the principal Articles imported from Great Britain and her Dependencies, during the Year 1810, with an Estimate of the Debentures issued on the same Articles, deducted from a comparison with the whole amount of Duties accruing, and Debentures issued during the same Year, on all Articles of the same Description imported from all Countries.*

	Ad valorem.	Spirits.	Cotton, Spices, and Indigo.	Sundries. (a.)
Gross amount of duties on articles imported from all countries - - - Dollars	8,121,387	1,315,085	681,414	983,778
Deduct Gross amount of debentures issued on the exportation of such articles	556,773	33,323	563,501	19,700
Net revenue	7,564,614	1,281,762	117,913	273,078
Gross amount of duties on such of the same articles as were imported from Great Britain and dependencies - - - - -	6,174,510	561,868	192,710	214,244
Deduct estimated amount of debentures on the exportation of such of the said articles as were of British importation - - - - -	499,510	14,803	159,710	9,244
Estimated net revenue on articles imported from Great Britain and dependencies	5,675,000	547,065	32,000	23,000
Net revenue as per statement A. for 1810 - - - - -				Dollars 12,513,000
Deduct ditto, ditto, on articles imported from Great Britain and dependencies, viz: on merchandise ad valorem - - - - -				5,675,000
Spirits - - - - -				547,000
Spices, indigo, and cotton - - - - -				33,000
Sundries - - - - -				236,000
Net revenue after deducting that arising from British importations - - - - -				Dollars 6,022,000

(a.) Consisting of beer, pewter, anchors, sheet, silt and hoop iron, nails and spikes, paints, lead and manufactures of lead, steel, twine and packthread, glass, coal, and fish. Some small items, not exceeding 10,000 dollars, are omitted.

Note. Sugar, coffee, and molasses, are not included, as the whole quantity wanted for domestic consumption will be supplied from other countries.

(D.)

## STATEMENT

*Of the Amount of the public Debt on the 1st April 1801, and on the 1st January, 1812.*

	Principal.	
Debt on 1st April 1801.		
Six per cent. and deferred, unredeemed, .....	37,887,540 54	2,273,290 43
Three per cent. outstanding .....	19,102,477 89	573,074 33
Five and a half per cent. ....	1,547,500	
Four and a half per cent. ....	176,000	
Eight per cent. (including 800 dollars over issued) .....	6,482,500	
Navy six per cent. ....	711,700	12,657,700
Temporary Loans, viz. at six per cent. ....	2,010,000	863,219 50
at five per cent. ....	1,400,000	
1796 six per cent. ....		80,000
Foreign debt, on first Jan. 1801, ....	10,419,000	4,500
Deduct principal and premiums paid between 1st Jan. and 1st April, 1801, 343,996		
Unfunded debt, consisting of such parts of the registered debt, and debt due to Foreign Officers, as have been subsequently paid, .....	10,075,004	466,100
	90,092 55	
Debt, first April, 1801, .....	9,893,115 01	4,150,452 26
Reimbursements from first April, 1801. to first of January, 1812, viz.		
On six per cent. and deferred stocks, 20,520,744 46		1,249,314 67
Three per cent. including reimbursement of converted stock and deducting converted stock outstanding, .....	2,379,269 44	54,418 53
Eight, five and a half, four and a half, and Navy six per cent. stocks, and temporary loans, paid all in full, .....	12,657,700	863,219 50
Foreign debt paid in full, .....	10,075,004	466,100
On account of unfunded debt, .....	90,092 55	
Total reimbursement, .....	46,022,810 45	2,632,981 76
Debt on first January, 1812.		
First, old debt, viz.		
Six per cent. and deferred, .....	17,067,096 05	1,034,035 75
Three per cent. ....	16,157,890 04	
Converted six per cent. 565,318 41	16,733,208 45	518,655 80
1796 six per cent. ....	50,000	4,800
Old debt, .....	33,870,304 53	1,547,481 56
Second, new debt, viz.		
Louisiana six per cent. ....	11,250,000	675,000
Total amount of debt, first January, 1812, .....	45,120,304 53	2,222,481 56
The reimbursement of principal for 1812, will be 1,569,900 65, thus:		
Nominal amount of six per cent. and deferred stocks, 32,494,080 14 at six per cent. ....	2,593,926 41	1,569,900 65
Of which is interest, as above, .....	1,024,025 76	
Total amount annually payable on the public debt after 1812. ....		3,792,392 21



(L.)

## STATEMENT

Of Receipts and Payments at the Treasury of the United States, from the 1st of October, 18 to the 30th of September, 1811.

Cash in the treasury subject to warrant, Oct. 1, 1810.....	3,452,029 72	<b>PAYMENTS ON THE FOLLOWING ACCOUNTS.</b>	
Received for the proceeds of the Customs.....	12,490,636 1	<i>Civil Expenses, both Foreign and Domestic, viz:</i>	
Internal revenue.....	6,315 60	Civil list proper.....	630,630 1
Direct tax.....	6,302 87	Light house establishment.....	112,018 7
Sales of public lands.....	12,682 4	Marine hospital establishment.....	58,922 3
Cents and half cents coined at the mint.....	767,061 23	Invalid pensions.....	74,574 6
Fees on patents.....	8,163 7	Public buildings in Washington.....	600 1
Public arms sold to states.....	6,180 1	Furniture for the President's house.....	1000 1
Postage of letters.....	71,906 1	Third census.....	107,699 60
Salt works in the Illinois territory.....	2,500 1	Prize money for navy pension fund.....	7,108 1
Fines, penalties, and forfeitures.....	11,103 24	Mint establishment.....	29,999 2
Seamen's wages paid to consuls in foreign countries.....	2,035 1	Grants and miscellaneous claims.....	22,036 90
Payment by an unknown person, through the President of the U. States.....	250 1	Better accommodation of the general post-office, &c.....	4,700 1
Repayments.....	165,268 81	Unclaimed merchandise.....	224 9
Loan from bank of United States, on 31st Dec. 1810.....	2,750,000 0	Surveys of public lands.....	69,741 70
	12,541,146 37	Ascertaining land titles in Louisiana.....	11,126 05
		Roads within the State of Ohio.....	19,000 0
		Roads from Cumberland land to the Ohio.....	8,851 50
		Roads from the Mississippi to Ohio.....	960 25
		Trading houses with the Indians.....	3,070 7
		Contingent expenses of government.....	3,493 1
		Intercourse with foreign Nations.....	202,745 7
		<i>Military Expenses, viz:</i>	
		Pay, subsistence, clothing, &c.....	1,464,000 0
		Fortification of ports & harbors.....	165,000 0
		Artillery, arms, accoutrements, &c.....	501,000 0
		Indian department.....	214,725 1
		<b>NAVY.</b>	
		Repairs & contingencies.....	542,000 0
		Ordnance and arms.....	62,000 0
		Navy yards.....	74,000 0
		Marine corps.....	251,000 0
		Pay, provisions, & other expenses.....	1,207,000 0
		<b>PUBLIC DEBT.</b>	
		Interest and charges.....	2,225,800 93
		Principal discharged.....	6,055,272 82
		Repayment of loan to bank United States.....	2,750,000 0
		Balance in the treasury, subject to warrant, Sept. 30, 1811.....	10,034,071 1

9,750,176 09

Dollars

AMERICAN CANDOUR,  
 IN A TRACT LATELY PUBLISHED AT BOSTON,  
 ENTITLED  
*AN ANALYSIS*  
 OF THE LATE  
 CORRESPONDENCE  
 BETWEEN  
 OUR ADMINISTRATION  
 AND  
 GREAT BRITAIN AND FRANCE.  
 WITH AN ATTEMPT TO SHEW  
 WHAT ARE THE *REAL CAUSES*  
 OF THE  
 FAILURE OF THE NEGOCIATION.

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“ Misera, & pœnem, belli metu in bellum incidit.” FLORUS.

“ Wretched as we are, and which, desiring peace, from a dastardly dread of war, plunged itself into the very war which it wished to avoid.”

“ Cavendum saltem est, nequid fiat, quod prodât majorem favorem ergâ partem unam quàm alteram, ne justa detur parti uni de neutralitate non exacta servata, querela.” WOLFIIUS.

“ We should take care, that nothing be done which should shew more favour to one party than the other, lest we should give just cause of complaint, that our neutrality is not observed.”

PRINTED AT BOSTON BY RUSSELL AND CUTLER;

*Re-printed and Sold in London by*

J. M. RICHARDSON, No. 23, Cornhill, opposite the Royal Exchange.

1809.



## ADVERTISEMENT.

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*THE following Tracts are re-printed from the Boston Edition: they are written with great candour and ability, and, in the present state of the political relations between Great Britain and the United States, cannot fail to be highly interesting to the English Nation. Mr. Canning's Instructions to Mr. Erskine, and the correspondence between the latter and Mr. Smith. are added as an Appendix.*

*l a*

*me*

*London, 10th June 1809.*



## INTRODUCTORY REMARKS.

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*THE following pieces, containing an Analysis of the late correspondence between our Government and those of Great Britain and France, were first published in the Columbian Centinel; but as the subject is deeply interesting, and from its nature requires a connected course, both of argument and attention, it has been thought expedient to republish them in this form.*

*It is a matter of deep regret, that some of those superior and enlightened statesmen, of whom we have yet a few, who have been educated in diplomatic life, have not thought it their duty to enter into this discussion, and to point out the errors of our Administration, and the ruinous consequences which will inevitably follow from them.*

*The writer of this Analysis has waited anxiously for such a display, but in vain.*

*The Public mind, excited to the highest degree, by real distress, and more dreadful prospects, has sought in secondary causes, the sources of the public calamities. The arrestation of our commerce, the total annihilation of external as well as internal trade, are effects not causes. They are the instruments employed to scourge and afflict us. But the secret and hidden causes of the infliction of this punishment are to be sought elsewhere. Remove our commercial restraints, and our evils are not cured—Our madness will only become the more inveterate. Measures will succeed, so much more disastrous, as to make us look back to our present sufferings, and to hail them as blessings. This is not prophecy—Our rulers have raised the curtain, and have invited us to look behind the scenes. They already threaten us, that if our clamours should compel them to abandon their present system, they have evils in store for us which will make us repent our ungracious interference with their policy.*

*What then are these hidden causes which impel our rulers to our mutual ruin?*

*They will be found in the secret journals of the revolutionary Congress—in motions to impeach or censure our ministers for daring to restore peace to their bleeding country without the concurrence of France.*

*They will be found in the private minutes of Genet, Fauchet, Adet, and Turreau—in the clamours against neutrality in 1793—in Madison's resolutions for a commercial war—in the opposition to Washington's proposed pacific mission to Great Britain—in the violent and revolutionary attempts to prevent the adoption of the treaty which resulted from that mission.*

*They will be found, in short, in the whole history of the diplomatic intercourse of Mr. Jefferson—in one unvaried course of submission to France, and hostility to Great Britain, of which the dispatches now analysed form no mean and undistinguished part.*

*They, who read only to be amused,—who expect to find an ornamented and polished style in the following Analysis, will be disappointed. Perspicuity alone has appeared to the writer to be indispensable, when employed in exposing the sophistry of men, who, to cover their real designs, veil them in language, always ambiguous, and frequently impenetrably obscure.*

# ANALYSIS

Of the late Dispatches and Correspondence between our Cabinet and those of FRANCE and GREAT-BRITAIN.

---

## No. 1.

AT last it would seem, to the eye of superficial observers, that the court of Washington had determined to abandon that suspicious and insulting system of secrecy, which, while it contradicted all their former principles and professions, was calculated to rouse the jealousy, and excite the indignation, of every independent man. If this were true, little credit would be due to the government, as it is well known, and will be long recollected, that this information was withheld until it could no longer be of use; that it was suppressed until the United States were, against their own sense and wishes, plunged into a state little short of actual hostility, with the two most powerful nations of Europe, into a desperate and forlorn situation, in which retrograde movements involve eternal disgrace, and perseverance, or progressive steps, inevitable ruin.

Nor ought it to be overlooked, that even this scanty portion of light, which gives us only a glance into our future dark and gloomy prospects, was not voluntarily bestowed, but was extorted by the patriotic exertions of the opponents of our late destructive system.

But it will be seen, in the course of this Analysis, that even this affected frankness of communication is an illusion. Every thing which may tend to implicate the administration may have been, and probably has been, withheld, and we are treated with de-



tached fragments, and broken sentences, from the letters of our foreign ministers, which only excite the strongest suspicions of the alarming nature of those which are suppressed.

Is this the language of disaffection only, and unreasonable jealousy? Can it be illiberal to doubt the sincerity of men, who, in earlier and happier times, before they had been so skilled in political cunning, were declared by a friend, who knew them well, to have a "language confidential and a language official?"—[See *Genet's letters*.]—Is it ungenerous to suspect men who have been educated in the intriguing politics of France, to be capable of making formal dispatches to satisfy the public, and of thwarting those dispatches by their *confidential* communications?

If, for example, it should be necessary to satisfy the British cabinet, and prevent an open rupture, that our administration should preserve the appearance of resistance to the unjust and abominable measures of France, is it not quite conceivable, that, with the approbation of Mons. Champagny, an official note may be delivered by our minister, making a formal remonstrance to the decrees of France, in order to give fresh force to our complaints against Great Britain? It may be supposed, and our cabinet would have it believed, that France would not consent to such a system, inasmuch as she wished to involve us in an open war with England; but I am persuaded it will appear, that France is fully satisfied with the existing state of things; that it gives her all the benefits she could hope to derive from our avowed alliance, without obliging her to any pecuniary sacrifices to maintain our cause.

Besides, this half-way state between absolute alliance and dependence, and perfect independence, gives her the most favourable opportunity to draw very considerable revenue from us in the form of captures and seizures, which would be vastly more difficult in a state of avowed connection and amity.

This proposition I will venture to state without the dread of contradiction, that it will appear, by a close and candid examination of these dispatches (although they are artfully selected to impose upon the people), that the government of the United States

have a perfect *private understanding* with France, and are determined to resist all the honourable and amicable proposals of Great Britain.

The first document published by our government, is a letter from Mr. Madison to Mr. Armstrong, dated May 22d, 1807; and the first inquiry which occurs to us upon it is, why this letter was not included in the communications of the president, in the winter of 1808, when it was pretended that he communicated to congress all the correspondence of any importance between us and foreign courts, and if he had not so declared, it was his duty to have made public such important papers, in which no matter requiring secrecy existed.

2dly, It appears that our administration chose to consider the Berlin decree as vague and uncertain as to its intentions, or as Mr. Madison, in the *cabinet jargon*, calls it “*inarticulate*,” and that they chose to presume, and did affect to presume, it was not intended to operate against us, though it is well known to every merchant’s clerk, that we were the only neutral nation at that time, and the only one of course upon whom the decree could operate. Overlooking this notorious fact, as well understood by the government as by every body else, the cabinet go still further, and affect to feel a delight in the explanations of the minister of marine, though every man of sense perfectly understood their duplicity: though that minister expressly disclaimed all authority to decide for Mr. Talleyrand, who was absent: though men of intelligence in our country at the time predicted, indeed were certain, of the purposed fallacy of those explanations. The event has proved, not that our government was mistaken, for they never believed the minister of marine sincere, but that the French government adopted that irregular and ludicrous course, in order, probably, to prevent an instant retaliation on the part of Great Britain; but as soon as their policy required, they denied, as was predicted, the authority of the minister of marine, and declared that the decrees had no exception whatever. Indeed, if they had no applicability to us, they were perfectly nugatory, as no other

neutral nation then existed. This fact is an unanswerable one and proves the falsehood and insincerity of our cabinet.

Mr. Madison goes on to presume that the French orders would be *favourably* expounded. Which he declares to be the most *probable* event.

Why presume it? From the past conduct of France towards us? When did she ever perform any stipulation in our favour either under our old treaty or the existing one? Is there one solitary instance of her good faith? Is it to be found in the condemnation of the first captured vessel, the ship *Jay*, in violation of the stipulation that free ships should make free goods? Shall we find it in the decree which declared all British manufactures on board our ships lawful prize? and which further condemned the vessel and cargo for having any amount of them on board? Is it to be perceived in the inhuman decree which sentenced to death all neutrals found on board enemies' ships, though serving by force? Or was this great confidence derived from the peculiar sense of justice and regard to neutral rights manifested by the present emperor? Was the violation of the Prussian territory, the seizure of the duke d'Enghein in the neutral states of the elector of Baden, and the daily violation of the rights of all weaker states, sufficient pledges to our admiring and submissive cabinet?

## No. 2.

IN spite of the constant experience of the infidelity of the French Cabinet, which has in every period of its history made sport of all its engagements with us, Mr. Madison tells Mr. Armstrong, that it is *probable* that the French decree would be favourably expounded towards us.

If this letter had been an official one, directed to the Cabinet of *St. Cloud*, the principles of civility might have induced our government to have adopted the language of insincerity; but in a

private letter to our own minister no apology can be made for this compliment to the upright views of *France*, and it must be admitted to have proceeded solely from a devotion to that Court.

It was the more extraordinary, as it is apparent from the tenor of the *Berlin* decree, that it could have no possible operation except upon the commerce of the United States.

We were the only nation which then visited the ports of *England*:—We were the only people on whom the blockade could operate; and to admit an interpretation, which rendered the decree absurd and nugatory, is unequivocal proof of a disposition to submit to the grossest deception from the Cabinet of *St. Cloud*.

This very letter of Mr. Madison contains the most perfect proof that our government did not, and could not, have believed the interpretation, given informally by Mr. Decres, sincere.—For it contains an admission that the French cruizers in the *West Indies* had enforced the decree against us, and that these depredations constituted just claims of redress.—Have any of these captured ships been restored? If they have, shew us the case and the decision.

This letter, it will be remarked, is dated May 22d, 1807, and is a full and perfect refutation of an assertion in the report of the committee of congress, just made, recommending a perseverance in our hostile measures. In that report it is stated, that the *Horizon* was the first case which had occurred of the extension of the *Berlin* decree to us, and that that decree did not take place till September 1807.

If it be said, that the *West India* cases were only the acts of inferior courts, we may ask whether they have been in any single instance reversed?

We would also inquire why it is, that Mr. Armstrong's remonstrances on this subject are suppressed? And whether he has ever made any complaint, or whether, as in another case, he thought the "application would not only be useless, but injurious?"

This recalls to our recollection a former instance of subserviency to *France*, in which one of our ministers told the cabinet of *France*, that we should not only bear the departure from our stipulated rights "with patience, but with pleasure."

We should not have recurred to this ancient proof of devotion to the views of France, if it had not furnished a fair and natural occasion to remark, that a set of men, who in 1795 could justify and defend the outrageous and unmasked profligacy of France, in its conduct toward us, could not be expected to discover any considerable degree of spirit, against her, now her power is so vastly increased.

The second letter is from Mr. Madison to Gen. Armstrong, and its features are still more strongly marked with servility and devotion to France. It acknowledges the receipt of the evidence of the violation, not only of our treaty, but of every principle of humanity, in the condemnation of the *Horizon*, which had been by the *act of God* stranded on the French coast:—Even barbarians would have respected the claims of humanity; and the French government, estranged as is from any honourable and humane sentiment, had, it seems, on a former occasion, restored even an *enemy's* property thrown into their power by the *act of God*—But the submissive and humble Americans are not even entitled to the clemency due to enemies. The old feudal principle is revived, and their right to reclaim their property is denied to a nation whose government has placed them in relation to France in the condition of *Certs.*

This letter, which is a private one to our minister in France, goes further, and *admits*, and for ever binds us, by its publication, to the admission, that the Berlin decree, if not enforced on the high seas, was lawful as a municipal regulation, and furnished no cause of complaint. As this same dastardly, incorrect, and impolitic concession has been made by the late committee of congress, who make so many professions of patriotism, and regard to our honour, it deserves some little consideration. This single idea is the basis of all their defence of the government, for having tamely submitted, without remonstrance, to the decree of Berlin.

Now suppose there had been no order or declaration of blockade, but simply a declaration, that all vessels entering the ports of France and her allies, having touched in England, or having on board merchandise of the growth and manufacture of England or

her colonies, should be seized and confiscated;—Is not this a violation of the law of nations, and a direct breach of the convention between France and us?

Does not the 12th article of our convention with France secure to us this privilege?—or, if that may be doubted, which perhaps it may, could France, without *previous notice*, not only interdict the entry, but order the confiscation of property, *bona fide* American, which had entered her ports, or those of her vassal and even neutral states, in full confidence of protection under the law of nations, and of our existing treaty, solely on the ground that the property was originally of British growth or manufacture, though *bona fide* transferred to a neutral friend? If she lawfully might so decree, and so enforce her decrees, then all the seizures at Leghorn, Naples, and in France, are at once legitimate acts. On this ground they are defended by one of our public guardians, Mr. Madison; and this official letter, being thus imprudently published, will form a perpetual bar to any reclamations for their unprecedented injuries. If the decree had been confined to an interdiction of entry into the ports of France, some little colour might have been afforded for Mr. Madison's humble apology; though, even in that case, it would have been the ground of just representation and complaint, that the prohibiting the entry of ships laden with American produce, for the single cause of their having touched at a British port, was a violation of that freedom of trade, of which France has been, in late years, the professed champion, but the most outrageous violator.

It is in small points we discern the temper and views of men; and we entreat our readers to examine carefully the strain of this apology for French outrage.

Towards the close of this letter, Mr. Madison chooses to anticipate that France will complain of *antecedent* violations, to the injury of France, by the government of Great-Britain;—he goes further—he says, “*the fact cannot be denied;*” that is, in plain English, it is true that Great Britain has been the *aggressor*, and to the injury of France, and adds, “that the French decree may be pronounced a retaliation on the preceding conduct of Great

Britain.”—This we do most solemnly deny; and as it forms the basis not only of this letter, but of the report of the committee in favour of non-intercourse—of Mr. John Q. Adams’ letter to Mr. Otis, and of all that has been or can be said, in extenuation of the atrocious conduct of France; we shall devote to it our next and more particular attention. We shall, however, make in this place this serious remark, that even if it were true, it is a concession which it was extremely impolitic to make, and more so to publish, since it puts to an end for ever, all our claims on France for the effects and depredations committed under the Berlin and Milan decrees.

### No. 3.

“The French Decree might on the same ground be pronounced a retaliation on the preceding conduct of Great-Britain.”

See MADISON’S *Letter to Gen. ARMSTRONG*.

THE concession contained in the foregoing extract, is full as mean, and ought to excite as general indignation, as the same gentleman’s declaration to Mr. Randolph, “*France wants money, and must have it.*”

The effect of the publication of this concession will be, to bar for ever all our claims for redress for captures or injuries sustained under the Berlin and Milan decrees, and to furnish the French with not only pretexts but justifications for any future violations of our rights. It is not, however, my present purpose to display the rashness and impolicy, if not TREACHERY, of this conduct;—it is sufficient to say, that in any other government it would cost the officer his character and employment, if not his life.

It is at present proposed to prove, that this argument and concession furnished to France is wholly unfounded; and that France herself has never set up any pretensions, except through the medium of her American servants.

Before we examine the truth of this proposition, it may be useful to consider the force of the terms used by Mr. Madison.

The evident object of our Secretary, as well in this letter as in the late report of the committee, probably furnished by him, is to place the injuries of France and Great Britain on an *equal* footing; or, even to give a darker shade to those of the latter. He had just been speaking of the principle of retaliation urged by Great Britain in justification of her orders of Nov. 11, 1807, and then adds, that the "French decree might on the *same ground* be pronounced a retaliation on the preceding conduct of Great Britain." That is to say, that the French decrees might with *equal justice* not simply be *pretended* to be, but *pronounced*, a retaliation on the British conduct. In still simpler language, France can as justly defend her Berlin decree on the ground of retaliation, as Great Britain can justify hers of Nov. 11th, on the same ground.

As it is always best to simplify propositions as far as possible, before we proceed to prove the total falsity of this position, we shall remark, that even if it had been true that the two decrees stood in this respect in *pari delictu*, (in equal fault) still the circumstances under which they were respectively issued, ought to have excited ten times the indignation against France as against Great Britain, instead of drawing forth laboured apologies in favour of the former.

*First*, With France we had a COMMERCIAL TREATY, purchased at an immense price, the sacrifice of the claims of our citizens to the amount of at least TWENTY MILLIONS of dollars.—This treaty *expressly FORBIDS* this precise form of injury which Bonaparte has adopted. This was the *first* instance in which we had ever had any occasion to resort to the stipulations in our favour; and in this first instance are they shamelessly and without apology violated:—Nor does France pretend a violation on our part to justify the outrage. Let the government shew any formal complaint on the part of France, prior to the Berlin decree; and without such complaint no such measure could legally have been resorted to, even if in other respects justifiable.

With Great Britain we were not only united by no treaty, but



we had rejected, 'under the most extraordinary circumstances, a convention which had been agreed to by our own ministers, and which would have placed our commerce and prosperity on the most secure footing. We had moreover done every thing to force that government into a declaration of war, and our existing state, at the moment of issuing her orders, was at least, on our side, that of an enemy, or one disposed to be an enemy. We had interdicted the entry of her public ships, while we admitted those of her enemy; and we had gone as far as it was thought our people would bear in the system of coercion, by *non importation* of her manufactures. So far then, we had no right to expect friendship from that Cabinet; and of course, much less reason to be irritated at any measures she might adopt of an unfriendly nature.

*Secondly.* France not only gave us no notice prior to the operation of her decrees, but by a policy truly Gallican, she allured us into her ports, by pretending that they should not operate against us; but when she found she had a competent quantity of game within her reach, she sprang the trap, and seized our unwary and deluded fellow-citizens. This seizure and loss must be attributed to the inconceivable blindness, or wilful submission, of our Cabinet to the views of France. They affected to consider, or really believed, this *half-veiled* and syren-like declaration of France sincere; they, by this conduct, assisted to decoy our unhappy citizens; and, ashamed to avow their errors, they even at the present moment choose to consider that France has changed her views, rather than has intentionally deceived.

But Great Britain, far from imitating the detestable perfidy of France, frankly notified to our government the preceding year, that unless resisted, she should be obliged to retaliate upon France those decrees which, through neutrals, were aimed at her existence. She not only did this, but after waiting in vain for the smallest movement on our part, when she actually issued her orders, she gave the most ample time and notice to all neutrals, to avoid falling within their purview and effects.

*Thirdly.* The decrees of France were without limitation as to

extent; they embraced every dependency and colony of Great Britain, throughout the world.

But those of Great Britain left open to us the extensive colonies of her enemies; and, in short, every source of trade which was essential to our comfort and even prosperity.

It has been represented, for party purposes, that all this trade is upon the condition of paying her a "tribute," and even the late committee of Congress have given a colour to this assertion. It is, however, not true.—The duties demanded by her, and which are falsely called a "tribute," are only demandable in case we voluntarily go to Great Britain, and request a clearance for the continental ports of her enemies, which she blockades. This is merely *nominal*—a mere point of *honour* between her and France—because if Great Britain permitted you to go, France would not. Her decrees confiscate your property for the single crime of having been in a British port. The case, therefore, can never happen; and she knew well that it never would happen. Why then was it imposed? As a point of honour between her and her enemy. Her enemy said, No neutral shall ever enter the ports of England—I will capture and condemn them. Great Britain, in reply, says, No neutral who has submitted to this usurpation of France, shall go thither without first entering my ports; and I will tax the products bound to my enemy, which will enhance the price, if he chooses to admit it. And yet, strange to relate, this qualification or modification is represented, *gravely*, *represented*, by our impartial government, as more oppressive, more insulting, than if it had been an absolute prohibition;—than the decrees of France, which are an absolute prohibition! But I repeat it, this is merely a *nominal* provision; for it can operate only in case France should repeal her decrees, in which case the whole fabric is destroyed:—But it does not apply to the vast commerce of Spain, Portugal, Sweden, the East and West Indies, and all the neutral ports of the world.

*Fourthly.* France *disfranchises*, for ever, all American ships, which at any time after the decree shall have visited a British port. The effect of this would be, either that a distinct set of ships must

have been kept for the trade of each country, or if Great Britain had not issued her orders, in the course of four or five years every *American ship* would have been interdicted the trade of France. The men who are so alive to the degradation of a "tribute," which never has been and never can be exacted, are not only insensible to this insult and violation of our treaty, but our ministers openly, with the countenance of Mr. Madison, justify it, as a mere municipal regulation! What? Are we not entitled by treaty to visit freely the ports of the enemies of France? And are we not equally secured in our *direct* commerce with France? And can these two rights be considered secure, while every one of our ships are interdicted an entry—nay, are *confiscated*, if they dare to enter any French port; or if they shall have visited any British port in a former voyage? No notice is however taken of this outrageous part of the decree.

But Great Britain has made no such arbitrary disqualifications: If you escape the vigilance of her frigates, and enter your own ports, the forfeiture is avoided, and she does not assume an imperial authority to disfranchise, by standing and permanent laws, the whole of your marine.

*Lastly.* The French had no power to enforce their blockade;—that the measure had no colourable justification under the law of nations. It had the character of impotency striving to outstrip malignity. They were obliged to resort therefore to cunning to draw us within their fangs, and the unhappy victims, like the visitors of the lion, were seen to enter but never to return.

Great Britain, on the other hand, had the means of enforcing a strict and rigorous blockade, and the very men who brand this blockade as 'illegal' because nominal, have the shameless inconsistency of defending the embargo on the ground that not one of our ships would have escaped capture by Great Britain:—that if the embargo had never been imposed, so wide and effectual would be the operation of the British orders, no portion of safe commerce would have been left to us.

Strange and inconsiderate politicians! Defending by their very concessions the policy they condemn. For if such be the power

of Great Britain to enforce her orders, to coerce her enemy, to execute her blockade, the perfect justification of them may be grounded on that power. For on what, may it be asked, rests the acknowledged doctrine of legal blockade, but on the power to coerce and distress an enemy? "This power is declared in the convention of the famous armed neutrality, formed to establish and impose by force, a new, liberal maritime code; to be lawfully exercised whenever a ship cannot enter a blockaded port without imminent danger of being captured." And our politicians condemn the British decrees, though merely retaliatory, while they declare, that *few or none* of our ships could possibly escape the vigilance of the British cruisers.

Thus then from this short view, which might be extended to a variety of other example of the difference in point of severity between the French and British orders, it is apparent, that nothing but the grossest and most wilful partiality could induce Mr. Madison, our cabinet, our foreign ministers, and the committee of Congress, to place the French and British governments on a footing of equality, or as equally meriting our resentment and hostility. But we propose to prove, that there is not the smallest pretence for the allegation that "*The French decrees can with justice be pronounced as retaliations on the conduct of the British.*"

## No. 4.

Was France, as Mr. Madison, and the Committee of Congress in imitation of him, declare, authorized to make retaliation on Great Britain, through Neutral Commerce, *as much* as Great Britain was authorized to retaliate on France?

THIS is a most interesting question;—It decides the correctness or incorrectness of the policy of our Cabinet, who affect to treat them both alike; and professing to consider this subject deliberately, we invite the attention of every true friend of our country. We are bound to yield an implicit obedience to their deci-

sions, we trust that there is yet sufficient spirit and independence in our country to resist these arbitrary doctrines, and good sense enough to discriminate between a fair and laudable attempt to examine impartially the conduct of the two great belligerent nations, and a wish, so often unjustly and illiberally charged upon us, to justify the improper conduct of either of them.

If France was, as Mr. Maddison declares, as well justified as Great Britain in making retaliation through neutral commerce upon her enemy, this right must result from some one of the grounds stated by the late committee of Congress, who appear to be too much attached to France to omit any of her reasonable pretensions.

These grounds are stated to be,

*Firstly.* The attack on our rights by Great Britain in impressing American seamen.

*Secondly.* The extension of the right of blockade.—And,

*Thirdly.* The doctrine of cutting off the colonial trade, more generally known by the name of the rule of 1756.

With respect to the two first, the committee of Congress, ashamed to show a downright submission to France, have given one answer—that even if these were wrongs, they affected principally ourselves, and were not the subject of belligerent complaint. But even on these points the partiality of the committee was obvious, because they neglected to give other answers which would have been still more conclusive.

\* As to the impressment of our seamen, they might, and they ought to have said, that Great Britain never claimed the right to take any other than her own seamen;—that this was a right which not only every other nation, but France\* in an especial manner, had not only claimed and exercised, but which she would never

\* See the Nouveau code des Prises “Decree of the King in Council, dated August 5th, 1676, reciting that where his Majesty had issued a proclamation ordering all Frenchmen in the employ of *foreign nations* to return, under pain of death, it commutes the punishment to that of the galleys.” It has been customary for France to issue such an order in every war.

yield ;—that if inconveniencies and injuries to ourselves had arisen from this claim, they were to be attributed to very natural causes, the similarity of language and manners, the difficulty of discrimination, and the facility afforded by these circumstances to the mariners of Great Britain to fly her service, at a time when the law of nature and nations required their assistance, and authorized every reasonable measure of compulsion to secure it.

As to the British orders of blockade, they might have said, that the history of the present war had offered a new state of things, in which the vast preponderance of one belligerent on the ocean, the total incapacity of the other to enter the lists on that field of contest, had really changed the ancient established rules ; or to speak more correctly, had authorized the application of those rules in a more extensive manner. The whole doctrine of blockade is founded upon the idea that a belligerent has the power so to impede the trade of the blockaded port as to render it *dangerous*.—This is the only *limitation* to this power set up by the famous armed neutrality ; and the records of our insurance-offices will shew, that the British blockades have possessed these requisites.—It has been almost impracticable at any premium to insure a vessel bound to any port avowedly blockaded.

If these honourable gentlemen had referred to our former correspondence with France, they would have found, that under the administration of Washington, both these matters were fully discussed ; and as France gave no answer to them, but afterwards made a treaty without any stipulation, it is fairly to be presumed that she was conscious they were untenable.

In the answer of our government to Mr. Adet, on the subject of *impressments*, our Secretary remarks, “This, Sir, was a subject which concerned only *our* government. As an independent nation we were not bound to render an account to any other of the measures we deemed proper to adopt for the protection of our own citizens.”

An answer similar to that was given on the subject of blockade, to which it was added, that so long as the British Cabinet on those

points adhered to the law of nations, there could be no just cause of complaint.

We come then to the doctrine of colonial trade, upon which all the advocates of the present administration appear to rely, as cause of justification for the French decrees. This doctrine has been usually, but improperly, as we shall shew, entitled the rule of the war of 1756: and it is this, that neutrals have no right to exercise or carry on a traffic between the colonies of a belligerent, and the parent country of such colonies, which was interdicted or unlawful prior to the war.

That this is a doctrine enforced by Great Britain, throughout the whole of the present war, from 1793 to this day, we do not deny; but, we say, that *France had no reason* to complain of it, and did not in fact make it the ground of her decrees of Berlin and Milan, we do solemnly contend, in opposition to her apologist and advocate, Mr. Madison, for the following reasons:—

*Firstly.* Because France was herself the author of that principle, and has never contradicted it in any public act from the moment in which she first introduced it.

On the twenty-third day of July 1704, as appears by the ordonnances of Louis XIV. commented on by Valin, it was declared by France, “That all vessels which should have, or which should thereafter depart from the ports of an enemy, laden in *whole or in part* with any goods whatsoever, bound to any other ports than those of the country to which such neutral vessel belonged, should be declared good prize.” And it was further declared “that vessels bound even from a neutral port to an enemy’s port, on board of which should be found any articles of the *growth* or manufacture of an enemy, such articles should be lawful prize.”

I forbear to enter into the other parts of that ordonnance, which vastly exceeded, in severity, those now cited; because these are sufficiently broad to support the rule of 1756 *as against France*.

The same rule was still further extended and enforced by France, in 1744. Thus it appears, that France first established this rule, and enforced it, more than 50 years before the British tribunals

imitated their example—and, therefore, as it relates to that nation, that rule could not be the ground of just retaliation.

*Secondly.* This rule, if it can be disputed on fair and honourable grounds, could not be the foundation of complaint on the part of France, because the same answer could be given to it, as was given by our last and even the present administration, to the complaints of France on the subject of impressment, and that is, that it concerns ourselves only and our government, and is an affair in which France has no right to interfere—Because it might be replied to France, that she, by standing and perpetual laws, interdicts all our trade with her colonies;—that these laws are still unrepealed, and are only suspended by temporary orders;—that as she does not admit us to this trade in time of peace, but only in moments of necessity, we are not bound to defend our rights to this licensed and limited traffic, at the moment when her necessities should induce her to change her narrow and restricted policy;—that if this had been a trade we had enjoyed in peace, we should be ready to contend for it; but as it was precarious and arbitrary, dependent wholly on her personal interests, we were not obliged to commit our honour or peace to support it.

*Lastly.* France has never urged us to support this claim. We have perused with care and attention all the various charges made by that nation against us. Amidst the voluminous and frivolous complaints of Adet and Genet, we find no charge of our submitting to this principle. The reason is obvious; it is a principle first set up by France, herself, which she enforced during the war of 1793, and which she now enforces by her Berlin and Milan decrees—a principle which she will never relinquish. If it be said, that the case had not occurred, when Genet and Adet made their long and unfounded complaints of our breach of neutrality; we answer, that Great Britain set it up in 1793, and enforced it more during the first years of that war, than she has at any subsequent period.

In the opposition made to our treaty with Great Britain, France never objected to our not obtaining a relinquishment of that principle; and yet she found every possible fault with that excellent



convention. In short, there cannot be produced a single diplomatic paper from the cabinet or officers of France, in which the right to interdict the colonial trade is denied. The motives for this silence I have developed. It is her own—it is her darling principle; and if ever heaven in its wrath shall re-establish the French marine power, we shall see this doctrine revived and enforced, with a severity and injustice which shall make us think the little finger of France heavier than the loins of Great Britain.

But though France is thus silent, if not indifferent to the doctrine of the colonial trade, it seems she does not want able champions in this country, who dare to set up excuses, that even her ministers have not the audacity to urge. It was reserved for our age and our nation to set the example of men in public office, in offices of trust and confidence, palliating and even justifying the most atrocious and piratical decrees of our enemies, and justifying them upon grounds which those enemies have not the consistency and effrontery to urge.

## No. 5.

### EXAMINATION

Of these Dispatches, as to the much boasted impartiality of the late offers to Great Britain and France, in relation to their several edicts and decrees.

THIS is the grand point upon which the President and all his friends exulting rely to prove, that he has at last thrown aside his system of submission to France; has returned to a sense of our neutral obligations; and has, for once at least, manifested an impartiality worthy of Washington. If this is true, he would be entitled to a high degree of credit, a degree proportioned to the difficulty he must have felt in overcoming his deep-rooted prejudices. In judging, therefore, of the late offers to France and Great Britain, we ought to require and receive a very high de-

gree of evidence, before we admit, that Great Britain and France have been treated with a tolerable share of equality.

In analyzing these dispatches, I hold myself bound to prove, that there is not only no evidence of any such impartiality, but that there is proof, not to be resisted, that the offers were perfectly illusory to Great Britain, and so artfully arranged and deceitfully expressed, as that while a refusal of them was inevitably foreseen on the part of that Court, they might produce a belief, in the people of this country, that every reasonable measure had been adopted consistent with our honour.

The purport of the President's declaration to Congress, and also of the late report of the committee to that body, in relation to these offers, is, that there were simultaneous propositions made to the Courts of St. Cloud and St. James, equally fair and honourable to both nations, and which either of them might have accepted without any derogation to its honour.

We undertake to prove, that these offers were unequal, unjust; and were made under circumstances which rendered it impossible they could be accepted by *one* of them. The field upon which I am now entering is a *vast* one; it calls for great patience in the investigation, inasmuch as it is no trifling task to trace the doublings and windings of cunning politicians, who have devoted their whole lives to Machiavelian politics.—But the reward will be equal to the labour; the magnitude and importance of the subject not only justify but demand some sacrifices of our ease. If our rulers have honestly and sincerely attempted to rescue us from the evils into which their former errors had plunged us, let them receive the praise which they merit; but if, instead of attempting to procure us relief, they have continued to pursue the same destructive and wayward policy which has brought us to the verge of ruin, let them find their punishment in the contempt and indignation of an injured people.

The first remark I shall make upon the documents lately published in relation to the offers made to France and Great Britain, for the repeal of their respective edicts, is this, that while all the correspondence between Mr. Pinckney and Mr. Canning, and

between our minister in London and Mr. Madison, is made known, *not one line* of the correspondence, or remonstrances, or offers of Mr. Armstrong to the French Cabinet, on the subject of their decrees, is given to the public, unless the letter of Gen. Armstrong, so late as August 6th, 1808, to Monsieur Champagny, be considered as of this description.—But I do not consider that this letter contains the offers transmitted to France, because there is no proposition to rescind the *decrees*; and because it does not comport with the positive instructions given to Mr. Armstrong, which were to offer to France a declaration of war against Great Britain, as an equivalent for her removal of the Embargo.—This letter of Gen. Armstrong is to be sure sufficiently disgraceful, and is entitled to and will receive a most ample examination hereafter.—My assertion is then without limitation, that no portion of the *real* offers made to France is made known.—Why this suppression? Can the negotiation with France require more secrecy than that with Great Britain? Are the administration afraid to permit *that* part of their policy to see the light? We shall soon see the reason of this secrecy; and that it is probable, that while war and alliance were offered to France, a merely nominal proposition was made to Great Britain, so clogged with conditions, so hampered with qualifications, that it was known it could never be accepted.

*Secondly.* The offer which Mr. Armstrong was authorized to make to the cabinet of St. Cloud, as a motive to induce the repeal of its outrageous decrees, was, that of war with Great Britain, in case the cabinet of the latter should not equally withdraw hers.—Startle not, my fellow-citizens, at the extravagance of this proposal! The pacific, the meek, and submissive administration which prefers *suicide* to war, and dares to brave evils tenfold greater than those of war itself in order to avoid it, has surrendered to the Emperor of France the power which he last year claimed of disposing of our fate at his pleasure, and this too in direct terms.

Surely the administration will not seek a refuge from this charge in its *own* insincerity, and pretend, that after the compliance of France, it would have been at liberty to declare war or not against

Great Britain. I come to the proof:—In the letter of Mr. Madison to Gen. Armstrong, dated May 2d, 1808, after reciting the power given to the President to suspend the Embargo, he adds,

“ The conditions on which the suspending authority is to be exercised, will engage your particular attention.—The *relation* in which a recall of its retaliating decrees by *either* power will place the United States to the *other* is obvious, and ought to be a motive to the measure *proportioned to the desire* which has been manifested by each to produce *collisions* between the United States and its adversary, and which must be equally felt by each to *avoid one with itself.*”

There is to be sure no small portion of Jeffersonian mist around and amidst this sentence, but we can translate it into our *native* language.—The *relation* in which we stood to Great Britain was that of peace, though as closely bordering on that of *war*, as our administration could make it.—This *relation* was to be changed in *favour* of France, if she should accept our offer—it could not be *changed* but into a state of war, which it nearly resembled before ; and that this was the meaning of the sentence, is plain from the following words, the *promise and assurance of a change of this relation*, “ ought to be a *motive* proportioned to the desire which has been manifested by each to produce *collisions* between the United States and its adversary.”

That this word “ *collisions*,” was a milder, philosophic term for *war*, is evident by the observation, that this desire to produce *collisions* had been *manifested*.—Now, though Great Britain has never manifested a desire to produce war between us and France, yet France had, by the letter of M. Champagny, not only urged us to *war*, in *express* terms, but had declared for our cabinet, and people, that we *were at war* actually with Great Britain! It was to this *manifestation* of the desire of France, that Mr. Madison undoubtedly referred.

But in order that no doubt might hang over the intentions of the government, to offer an alliance offensive and defensive to France, as a condition of the repeal of her decrees, Mr. Madison adds in the *same* letter,

"On the other hand, should she (France) set the example of revocation, Great Britain would be obliged, either by following it, to restore to France the full benefit of neutral trade, which she needs, or by persevering in her obnoxious orders, after the pretext for them had ceased, to render collisions with the United States inevitable."

Now as Mr. Armstrong was directed to urge this argument upon France, and as we had a partial non-importation act in force against Great Britain, and a still more hostile measure in the interdiction of her public ships, it was a direct offer to France of engaging in the war upon the condition therein expressed. Unless, therefore, it is avowed, that the offer was *insincere*, Mr. Jefferson must have pledged the peace of the country, and placed it at the disposal of France. If other proofs were wanting of the positive nature of this offer, they can be found in the following extract of Mr. Madison's letter to Mr. Pinckney, of April 30, 1808, in which he has unwarily dropped his metaphorical expressions:

"Should the French government revoke *so much* of its decrees as violate our neutral rights, or give *explanations and assurances* having the like effect, and entitling it therefore to the removal of the embargo, as it applies to France, it will be impossible to view a perseverance of Great Britain in her retaliatory orders in any *other light* than that of war."

Here, then, is a *precious* proof of impartiality. To Great Britain Mr. Jefferson says,

"Repeal *all* your orders—repeal them in *totidem verbis*, (and as we shall shew by and by) with the sterile, nay insulting offer of simply placing her on the footing in which she stood at the moment they were issued, on the simple condition of withdrawing our embargo, which formed *no* part of the motives for issuing them."

But to the Great Emperor of France, our good friend and ally, who burns, sinks, seizes, confiscates, and destroys at his good pleasure, the property of both friends and foes, he mildly says,

"Repeal or rescind *so much* only of your decrees as relates to us, or give *assurances and explanations* to the like effect, and we will declare *War* against your enemy."

What! when the *perfidious* violation of the *assurances* of Decrès,

as to the French orders, was at that moment visible in the seizure of our ships and cargoes at Antwerp, and throughout the continent of Europe; when a solemn treaty made by this Emperor himself was hourly and habitually violated, was our government not only content to accept their verbal assurances, in place of a repeal, but to make those assurances the foundation of a War against Great Britain?

But I shall be told, that although Mr. Armstrong had positive instructions to make these proposals, yet that in fact they were never made.—This is a matter which rests in the breasts of the Administration alone. They know the motives which have induced them to suppress the correspondence between the French government and our minister on that point. But I may be permitted to make two remarks in this place:

*Firstly.* That as Mr. Armstrong's instructions to offer a war against Great Britain were positive and unqualified, he has violated his orders if he has neglected to do it;—and as he is continued in place and confidence, there is no reason to presume that he failed to comply with the wishes of the government.

*Secondly.* That Mr. Armstrong acknowledges the receipt of the above-said letter by the St. Michael, giving him the above-mentioned instruction, on the 2d day of June last; but the only communication to the French government on this subject, which is published, is dated the 6th day of August, and is totally variant from his instructions.

Is it credible, that as both the French and American ministers were during that period in Paris, Mr. Armstrong was guilty of the culpable neglect of being silent on this topic, when the continuance of our embargo rested upon the issue, and when he was ordered to lose no time in obtaining a definitive reply?

Thus then I believe it is proved, that to France a solid, direct, and positive offer was made of an engagement in the War on her side, if she should withdraw her decrees, or if not, that the offer we made to her was merely illusory and insincere, for we offered her nothing else—we could offer her nothing else. Why this offer was not accepted; I shall hereafter consider, when I shall make some general remarks on the policy disclosed by these dispatches. That no correspondent, analogous, or equal offer was made to Great Bri-

tain, I propose next to establish: but on the contrary, that the offer in effect was insulting to the understanding of that cabinet, as the vindication of it, as a fair measure, is equally so to that of the good people of the United States.

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## No. 6.

Have the present administration proved their *impartiality* in their late offers to Great Britain and France, to produce the repeal of their respective Orders and Decrees?

WE say NOT—and we now proceed in the proof. We have already shewn, that the motive and inducement offered to France to induce a relaxation of her unjust decrees, was no less than a declaration of *war* against Great Britain, in case the latter should refuse to withdraw her orders.

We have also assigned a great variety of reasons to shew that Great Britain deserved *at least* as much favour at our hands, her orders having been *second* in point of time, colourable at least in point of retaliation; less extensive and unprincipled in their terms, not charged like the others with a perfidious breach of treaty, not issued, like those of her enemy, against a submissive and complying friend, but operating against one who had assumed a hostile attitude, and who was threatening actual *war*.

So far, however, were Mr. Jefferson's offers from being impartial to the two belligerents, that to Great Britain, in lieu of the substantial offer of *war* against her enemy, in case she should repeal *her* orders, and her enemy should refuse to rescind his, he simply offered to repeal our embargo, and intimated, in terms *too loose* to produce any confidence, that he might leave the embargo to operate against France.

That he did not offer to Great Britain, as he did to France, a *war* with its enemy, would be apparent to every reflecting man, from *two conclusive* considerations, independent of the evidence I shall presently cite from the dispatches.

*Firstly.* It is impossible that Great Britain should not have accepted the offer.—A war on our side against France would not only have perfectly fulfilled the whole object of the British orders, but by rendering the blockade of the French ports totally unnecessary, it would have relieved Great Britain from vast expense, and have liberated her forces for other objects.—Our aid too, though small compared to her own vast power, would have been extremely convenient to her, and the monopoly which such a war would produce of all our commerce would have been of vast advantage to her power. Besides, as no maritime nation but the United States was *neutral*, the orders themselves would have been virtually repealed by our embarking in the war, since she did not require those orders to enable her to capture all the ships of her enemies, and her allies could have no trade with France.

*Secondly.* The letter of Mr. Canning to Mr. Pinckney, of September 23d, 1808, proves that Great Britain understood both Mr. Pinckney's verbal and written offers, in this light; for he evidently answers these offers on the ground that they extended *solely* to the removal of our embargo, which, if intended as a measure of impartial hostility, he remarks was *unjust*, as France was the aggressor, and Great Britain would not consent to buy off our unjust hostility, by withdrawing a measure aimed not at us, but at her enemy, France.

*Thirdly.* That our government understood their own offer in this light, is evident from the following unanswerable clause in the letter of Mr. Madison, of July 18, 1809, to Mr. Pinkney :—

“ It will be difficult, therefore, to conceive any motive in Great Britain to reject the offer you will have made, other than the hope of inducing, on the part of France, a *perseverance* in her *irritating* policy towards the United States, and on the part of the latter, *hostile resentments* against it.”

This sentence proves not only that our government never offered to Great Britain, as she had done to France, a *war* with France as a condition of a compliance with our offers, but that she had not even offered, in decided terms, to adopt *any* hostile measures whatever against France, in case the latter should refuse to follow the



example of revocation.—For if our offer to Great Britain had been either of a *war with its enemy*, or even of *hostile resentments*, in case of the refusal of the latter to follow the example of repeal, it is *not possible to conceive* how Mr. Madison COULD BELIEVE, that her motive for *rejecting* such an offer, must be a wish to produce the *very effects* which the offer itself promised.

This argument is reduced to the accuracy of a syllogism, and can no more be refuted than a correct mathematical demonstration.—It is thus perceived, that the evil genius of art and duplicity will sometimes leave its votaries in a state of self-condemnation.

We now proceed to prove, that the inferences we have drawn from these important collateral considerations are confirmed by the dispatches themselves;—and that the offers were shamefully (we do not say purposely) vague and inexplicit.

The first letter, on this topic, is from Mr. Madison to Mr. Pinckney, dated April 30, 1808, and it merits this *singular* remark alone, that while it puts the alternative case of France repealing her decrees and the refusal of Great Britain, and states, *expressly*, that such a case would produce *war* with the latter, yet it never puts the other supposable case, of a repeal by Great Britain, and an adherence by France.—Of course, Mr. Pinckney was *uninstructed* on this point.

At the same time, let it be remembered, that in the letter on the *same* point, to our minister in France, BOTH cases were stated, and war against England absolutely promised, if any meaning and sincerity can be placed in *words*.—This we discussed in our last number.

It may be further remarked, on this *first* letter, and no other was written until the 18th July, no direct promise was made of *even taking off the embargo*.—A language of doubt and subterfuge was adopted, and the British government were only to be told, that if they would rescind, *not the orders of November only*, but all their decrees on the same subject, Mr. Pinckney “MIGHT AUTHORIZE an EXPECTATION that the President would, within a REASONABLE

“ time, give effect to the authority vested in him on the subject of  
“ the embargo.”

• In this shamefully loose and insincere manner was this important subject treated; and we ask those who have seen the art and duplicity, the chicane and Machiavelianism of our present cabinet, whether, if Great Britain had acceded to our offers, they could not have devised a thousand ways of getting rid of the above-mentioned equivocal and uncertain expressions.—With infinitely more honour could they have done it, than have rejected the solemn treaty made by Munroe, and the still more solemn embassy of Mr. Rose. Could Great Britain be censured after such proofs of our duplicity, and our desire to avoid a friendly settlement, if she distrusted the very vague and ridiculously loose expressions of the foregoing instructions.

Nor is this all.—The dispatch of Mr. Madison, of April 30th, must be considered as having been qualified and restrained by the general and positive terms of that minister's letter of the 4th of April, in the same year, in which he tells Mr. Pinckney, that if Great Britain should, without *condition*, revoke her orders, still, while the affair of the *Chesapeake* remained *unexpiated*, he was not to “ pledge our government to consider the repeal of the orders  
“ as a ground on which a removal of the existing restrictions on the  
“ commerce of the United States with Great Britain would be  
“ justly expected.”

If then this letter, written only twenty-four days before, be considered as a part of the instructions, and it was never countermanded, it must be so considered, that even the illusory and trifling offer made to Great Britain, was accompanied with a condition which it was known would never be, and indeed *could never* be accepted.

The removal of our restrictions, of which the Embargo was one, was to depend on Great Britain's making a *due* expiation to Mr. Jefferson for the attack, the *unauthorized* attack, on the *Chesapeake*.—This could never be done, and Mr. Jefferson knew it, and therefore knew that his offer could never be accepted.—Because no terms which Great Britain could offer would ever be acceptable

to the President of the United States, so long as they would not be acceptable to France.

Our government, by violating the law and that decorum hitherto preserved among nations, in taking its own revenge into its own hands, had rendered it impossible that Great Britain could ever give us satisfaction, until those measures of self-satisfaction and revenge were repealed. On the other hand, by absolutely refusing to repeal those measures, and thus to receive the offers of reparation, tendered by a solemn embassy, it had rendered the settlement of the affair of the *Chesapeake* impossible, until Great Britain should be actually conquered by our arms or restrictive energies, an event improbable so long as Bonaparte is inadequate to that object.

Mr. Jefferson, knowing all these facts, was assured that he might safely make any offer to Great Britain, so long as he coupled it with his inadmissible pretensions, and his diplomatic quibbles in the affair of the *Chesapeake*.

The subject of the offers to Great Britain might be rested on this simple, but, we think, unanswerable view. Still, however, as it is all-important to shew the false and insidious policy of our cabinet—a policy which is the *sole cause* of all our troubles, I shall devote to it one other number.

## No. 7.

The futility, unfairness, and impolicy of the offers made to Great Britain.

BEFORE we pursue this subject, it may be fair to remark, that although the instructions of Mr. Pinckney, first transmitted, did not even authorize him to pledge the government to a repeal of the Embargo, yet upon the 26th of August, after it was ascertained that France would not repeal her decrees, Mr. Pinckney ventured to make a positive offer to repeal the Embargo, in case Great Britain would rescind her orders.

That this offer, under all its circumstances, *was* insincere, and even affrontive to Great Britain, is not only apparent from the arguments heretofore adduced, from the sensible reply of Mr. Canning, who appears to have fully developed the views of Mr. Jefferson, but also from the considerations which I now propose to urge.

*First.* The offer of repealing the embargo as a motive to induce the rescinding of the British orders, has no feature of reciprocity.—Our embargo did not, and could not, enter into the motives of the British orders, because it was not in existence when they were issued. The *avowed* and *real* object of those orders was, to retaliate upon France her decrees against the British commerce, and against neutrals who were concerned in that commerce.

Any offer, short of a removal of the *cause*, could certainly be viewed in no other light than as an insult.—They had before assured us, says Mr. Madison, “that they would repeal or relax *pari passu* with their enemy.” More could not be demanded of them; and our government know, and have always known, the value of a solemn pledge made by Great Britain. To France, therefore, our *only* application ought to have been made.—*She* had taken care to bind herself by no promises of relaxation; but she ought to have been pressed home with the fair offer of Great Britain; and if obstinate to our just complaints, resisted.

Again—the offer was not reciprocal, inasmuch as *we* gained every thing by the proposed bargain—Great Britain nothing:—She threw open the ports of all *her* enemies to a free commerce with us, the *only neutral*;—while her own remained shut to us by the violent and unjust decrees of her rival.

Further—the offer was not reciprocal, inasmuch as *we* could, without dishonour, repeal our embargo. It was neither urged, supported, nor explained, as a hostile or retaliatory, but a municipal measure. It might, therefore, be abandoned without discredit. On the other hand, Great Britain had taken up the *glove* which her haughty and overbearing rival had thrown down: He had invited, nay *forced* her into a commercial warfare. To desert it, would be defeat; to abandon the conflict, disgrace. The liberties of that nation will not long survive their sense of honour. It was then im-

practicable, impossible for her to accept our offer; and, of necessity, affrontive on our part to ask it, upon such conditions.

*Secondly.* The offer to Great Britain was *affrontive*, as well as destitute of reciprocity. It was not only asking her to humble herself before her haughty rival; and, in that view we acted as allies on the side of France; it was not only demanding of her to concede something to us, but infinitely more to her enemy—but it is not to be disguised, and I see no reason for keeping the secret, the offer was intended to humble Great Britain before us. There is no man in the United States, however weak may be his understanding, who does not comprehend the real policy of the embargo, which the transparent veil thrown over it in debate and diplomatic proceedings does not hide, but only exaggerates. The language of the administration, their well-known character, the prohibition of exportation by land, the declaration of insurrection against the inhabitants of Vermont, the hostility avowed by all the friends of our government to Great Britain, the constant apologies and indulgencies to France, all speak a language too intelligible to be mistaken—a language as well understood in the cabinet of St. James, as in the conclave composed of Mr. Jefferson, Mr. Madison, and the representative of his Imperial Majesty;—a language which Mr. Canning chooses to let us know he fully understands and feels, though with the smooth politeness of diplomatic forms it is decorously disguised. I say, that the offer was affrontive to Great Britain, because there is not a man in the United States who does not feel, that had she *yielded* to our claims, it would have been pronounced, and exultingly echoed, even in the hall of Congress, as a *victory* over an *enemy*—a victory which would have given as sincere pleasure at St. Cloud as at Washington.

*Thirdly.* The two last ideas naturally lead us to consider our offer as mean, inconsistent, and hypocritical. It was *mean*, because Mr. Madison, in his letter of December 23d, 1807, directly contrary to what every man knew to be the fact, directs Mr. Pinckney to assure the British government, that the embargo was a measure “neither hostile in its character, nor justifying,

inviting or leading to hostility with any nation whatever." It was however at that moment recommended in a newspaper paragraph, supposed to be written by the President himself or Mr. Madison, as a *strong, coercive* measure. It was *inconsistent*, because the very offer made to Great Britain in itself implied, that the embargo was a *hostile* measure, operating severely upon her, and to remove which she would be induced to abandon her whole course of measures against her enemy, to admit that she was conquered, and that too by the "*restrictive* energies" of America. How *any* minister could pen such a proposal, after the first solemn declaration, I cannot conceive; and it will be still more astonishing if every honest and virtuous American does not blush for the profligate meanness of such public agents.

From the above considerations, I think I need not attempt to prove, that the conduct of the government has been *hypocritical*.

*Fourthly.* The offer to Great Britain was extremely impolitic upon the principles which our administration have heretofore set up.—For upwards of twenty years Mr. Jefferson and Mr. Madison have been at the head of a sect, which has maintained, that America held the life-strings of the British nation;—that at our nod her sinews would be relaxed;—if we should close our bountiful hands, she would starve;—if we should hide our faces in displeasure, she would perish. Arrived for the curse and punishment of the American nation, at the head of our affairs, the sectaries had, last year, a fair opportunity, which they had long sought, and had endeavoured by every means to bring about, to put their starving and coercing system into execution. But can it be believed, within four months they abandoned the pride of conquest, and the chance of glory, did not wait for manifestations of discontent on the part of their enemy, but ingloriously made an offer to abandon their famous experiment, before any of its boasted effects had taken place. Perhaps we shall be told again, that the opposition and evasion of the law had contributed to keep alive the hopes of the enemy; and that a few newspaper paragraphs, treated with affected *contempt* by our administration, had governed the councils of the cabinet of *St. James*. But we may

rely in the language so often used upon this occasion, that that system of measures must be destitute of justification, which in its very nature excites opposition and forcible resistance from an orderly and quiet people;—from a people who have submitted, almost without a murmur, to the conduct of an administration which by its folly, its partiality, its prejudices, have brought us to the brink of ruin;—that as to the effect of the opposition upon the conduct of foreign nations, the evidence of its operation is feeble, and if it were more considerable, that conduct would be still more affected by the rash and unexampled measures of force adopted to coerce obedience—by an executive proclamation of rebellion—by the attempt to stifle complaints, and render nugatory the judicial power; and by converting a peaceable and happy country into a military camp.

Such, then, is the specific nature of the proposals made to Great Britain—so loose and general in their terms—so inferior to those made to France—so destitute of reciprocity—so affrontive in their manner—so mean and inconsistent, as well as hypocritical, in their character:—and finally, so impolitic in relation to the professed system of the present cabinet.

It may perhaps be asked, how it has happened that France, so eager to involve this country in a war with Great Britain, did not accept the offer of our government to declare war against Great Britain, in case she (France) should repeal her decrees, and Great Britain should refuse to repeal hers?

To this question it may be answered, that France perfectly understood, that notwithstanding our bravadoes, we were not ready to enter actively into the war. The experience of seven years of negotiating meanness, of tame submission, had convinced her, that nothing like energy could be expected of a cabinet, which had consented to pay millions in order to secure an inglorious quiet; and that as our offer of war was grounded on the avowed presumption and on an express condition that Great Britain would not repeal her orders, though France should rescind her decrees; yet as the former had pledged itself to repeal or relax, *pari passu*, it was certain that as soon as France should return to a sense of

justice, and restore our neutral rights, Great Britain would instantly take off all her restrictions, and thus render our offer of war nugatory.

The offer, then, was perfectly illusory and futile, as to both nations. How then, it may be asked, can we reconcile these apparently solemn and serious offers to the two belligerents?—We are irresistably compelled to adopt the opinions and solution of that staunch and enlightened patriot, Colonel Pickering, in his late excellent speech in the Senate, upon Mr. Hillhouse's motion to take off the embargo. Admit only that this solution is correct, and all our difficulties vanish; and the wayward policy of our administration remains without a cloud, exposed in all its naked deformity. He has shewn, by a recurrence to facts, and a citation of the dates and circumstances, that the embargo proceeded not from the increasing and imminent dangers to which our commerce was exposed—for he proves, by arguments irresistible, that no such dangers at *that* time existed;—not from the *British orders*, because they were not only not known, but as he declares in the face of the *whole Senate* and of the world, they formed no part of the argument or of the reasons on which the embargo was enforced;—nor indeed could they have formed any part of it, because those orders were not known till fifty days after the embargo was laid.—He proves it still more conclusively, by the terms and the documents accompanying the President's message recommending the embargo, as well as by Mr. Madison's letter of December 23, 1807, to Mr. Pinckney, our minister at London, in which he states that the reasons for the embargo were explained in the message of the President, of which the *British orders formed no part*;—and it is incredible, that when stating to our minister at the British court the motives which led to the measure, he should not have stated *our fears* of retaliation on the part of Great Britain, as one of the most operative causes.

It is, therefore, apparent, that this is one of those adventitious, posterior, and accidental circumstances, of which a cunning and intriguing set of men are willing to avail themselves, to conceal the real motives of their conduct. *Those real motives* Colonel



Pickering has with great delicacy hinted at.—As a Senator, perhaps his respect for the decorum necessary in such a body, required some degree of restraint in avowing his real convictions. We have no such restraint;—we are bound by no such rules; and we are at liberty to say, that the true and only cause of the embargo is to be found in the *demands and threats of France*.

It is a fact, that only four days before the embargo was inflicted, as the greatest scourge which this country ever endured, a dispatch was received from France; and it is not now denied, that the purport of that dispatch was, that we should no longer be *neutral*—that France would no longer permit it.

The letter of Mr. Champagny, extorted with great difficulty from the executive, has not only the “*air of assumed authority*,” as Mr. Madison tamely calls it, but usurps the right to declare for the government of this country, that we are in a state of *war*.

What then was to be done?—Either to resist France, or to comply with her orders. To declare war openly against Great Britain, was a stride too great, too hazardous for a time-serving administration.—Something, however, must be done to *appease* the resentment of the Great Emperor.—His war against Great Britain was of the passive, rather than active character.—It was aimed at her existence, through the more practicable system of bloodless commercial hostility, rather than that of open attack, in which she was invulnerable, and too much dreaded. Our embargo precisely comported with these views.—Towards France it affected nothing—it was in coercion, no restraint upon her; because the victorious fleets of her enemy had already rendered her exterior commerce wholly nugatory. But towards Great Britain our embargo was intended to produce every thing which submissive and subject Holland, Italy, or Prussia, could effect. It cut off our trade and supplies, which were perhaps the most important she possessed, and gave the Emperor the fairest possible chance for the success of his project.

This project we do not doubt would have been ineffectual, and that Great Britain would have been enabled to have sustained the joint hostility of France and America;—But this question will

always remain undecided, because that wise and beneficent Providence, who watches over and guides the affairs of men, who disappoints the designs of the cunning, and overturns the enterprizes of the powerful, has interfered to save Great Britain from the ruin in which the combined machinations of France, and of our subservient rulers, had threatened to involve her.—By raising up the oppressed and injured nations of Spain and Portugal, he has afforded her a relief, and has given her a signal proof of his favour and protection.

But the proofs of the Machiavelian and execrable projects of our administration, are on record; and if they escape their merited punishment in this age, posterity, always more just, will give them their recompense.

With such views of the motives and policy of Mr. Jefferson, we may be asked, how we account for the proposals which he made to the two cabinets of St. Cloud and St. James? You have proved, it will be said, satisfactorily, that they were *nominal* and *insincere* towards both—what were then their real motives? I answer:—The same which influences Bonaparte to declare himself the friend of the freedom of the seas, when he violates that freedom at every breath:—The same which induces that tyrant to propose peace, when he knows that war is necessary to his existence, and that a real state of peace would be his destruction.—It is to deceive and silence the clamours of *the people*. Knowing that the embargo was a most dreadful scourge, and would be resisted, it was necessary to get up a sort of theatrical farce, which would make the people believe, he was really desirous of relieving them. But we hope that the *catastrophe* will be subversive of his ambitious views and designs.

## No. \* 8.

*The indecent partiality of LANGUAGE used towards the Belligerents; and some reflections on the HIGH SENSE OF HONOUR so much boasted of by our Administration.*

A CANDID review of the style, temper, and language adopted towards *France* and *Great Britain*, will readily convince every impartial and virtuous man, that we owe all our evils to the prejudices of our cabinet in favour of *France*, and their malignant antipathy to *England*; that if the negotiation with the latter had been as sincere as with the former; if as strong a desire had been shewn to preserve peace with *Great Britain* as with *France*, we should have been at this moment enjoying that uninterrupted prosperity, of which Mr. Jefferson speaks in his late address, and to which his efforts have been at every period hostile.

A thorough analysis of the late dispatches will prove, that Mr. Jefferson and Mr. Madison are as devoted to the policy of *France*, as they were when they opposed Washington's proclamation of neutrality; when they had the confidential ear of Genet and Fauchet; when they privately countenanced an opposition to the measures of our rulers, in one of the most eventful periods of our history.

We shall contrast, in the present display, some few, but striking instances of the difference in the tone and temper of our cabinet, towards *Great Britain* and *France*.

We shall begin with the remonstrances on their several blockading orders. It must be again remembered, that in this warfare, *France* set the example. *Great Britain* gave formal notice of her determination to retaliate, unless we should shew some signs of resistance.—*France* was bound to us by treaty; *Great Britain* by none.—Towards the former, then, our complaints ought to have been most loud, and most severe.

*How is the FACT?*

The French decrees were issued *Nov. 21, 1806*; and the *first* notice ever taken of them by our cabinet—the *first* line which they took the pains to write on this interesting topic, was on the *22d May 1807*, more than six months after this violent outrage on our rights.

The British orders were *published* about the *20th November 1807*, and were not known here till the *1st February 1808*; yet on the *19th* of the same month, Mr. Madison addressed Mr. Pinckney on the subject, and on the *25th* of March came forth his famous letter of remonstrance to Mr. Erskine.

In the first letter of Mr. Madison to Mr. Armstrong, of May 1807, he chooses to presume that the French government did not intend to execute their edicts against us; declares himself pleased with the explanation of the Minister of Marine, but expresses a wish to hear of their being confirmed by the Emperor himself. This proves not only a disposition to give the most favourable interpretation to the French decrees, but also that the government thought that the explanation of Decrès was imperfect and insincere. For who before ever heard of a foreign government questioning the authority of a public minister, and requiring the positive assurances of the monarch himself? It is a proof that our government never reposed any confidence in the loose explanation of Monsieur Decrès, though they made it the ground of their total silence and submission for twelve months. And it is to be remarked, that the Emperor never has confirmed the trifling and insidious reply of his minister. . . .

It is curious, that this same letter of Madison should contain the proofs of the extensive execution of those French decrees; and of similar outrages under the Spanish orders, in imitation of, and by direction of the French Emperor;—and it is still more amusing to hear the soft accents of Mr. Madison on this topic, that these depredations will “thicken the cloud that hangs over the amity of the two nations.”

No further orders or instructions appear to have been given to General Armstrong—no inquiries about the Emperor’s decision, until *Feb. 8, 1808*, more than fourteen months after the date of

the *Berlin decree*:—Then our minister begins with admitting that, regarded as a municipal regulation, that decree was no infraction, and required only *friendly* expostulations as to its *rigor* and *suddenness*. In the same letter he notices the cases at *Hamburg*, *Leghorn*, *Holland*, and *Bremen*.—Now we ask Mr. Madison, whether the execution of a French decree, by French force, in the neutral state of *Tuscany*, and the neutral city of *Hamburg*, on NEUTRAL property, a decree too, operating *ex post facto*, is a “municipal regulation, which cannot in strictness be regarded as an infraction of our neutral or conventional rights?” Is not a neutral territory as sacred as a neutral ship? And is not the right of the neutral, whose goods are seized in another neutral country to which he has sent them under the faith of the law of nations, as solemn and sacred as that of the poor, and oppressed, and insulted country, whose territory is violated?

In *Leghorn* and *Hamburg*, (it is known to Mr. Madison) the seizures were not the *acts* of the immediate governments of those places, but the direct military execution of French decrees in places in which, by the laws of nations, they were forbidden to execute them.—In place, therefore, of the snivelling, and almost treacherous language “of friendly expostulations as to *rigor* and *suddenness*,” we ought to have made the Imperial palace ring with our remonstrances of violation of our own rights, through the most unparalleled attacks on the territorial sovereignty of other independent states. Not content with this base desertion of our honourable claims, Mr. Madison, in this letter of *February* 1808, appeals to the policy of *France*, and endeavours to shew her that it is against her interest to *attack our rights*, because her enemy, being stronger on the ocean, will beat her at this warfare.

If we had not seen an example of this humiliation in our minister to *France*, in 1795, we should have questioned the evidence of our senses.

The last remark on the language of our cabinet as to these detestable decrees, is this, that after giving, both to Mr. Armstrong and Mr. Pinckney, an apology which Mr. Madison *frames beforehand* for *France*, and which he puts into the mouths of their minis-

ters before they adopted it themselves, that *France* could and would justify her decrees on the grounds of retaliation, which *he* pronounces *she* can justly do; this glorious and independent minister of state is so afraid, that his mild remonstrances, justifying in the outset the French decrees as *municipal regulations*, proceeding afterwards simply to shew their impolicy, and finally concluding with declaring their absolute justice as retaliatory measures, would be esteemed by *France* too harsh and severe, that he cautions Mr. Armstrong in these words: "In every view it is evidently proper, as far as respect to the national honour will allow, to avoid a style of procedure which might co-operate with the policy of the British government, by *stimulating the passions* of the French." In other words, "wounded, insulted, and abused as we are, by the perfidious breach of treaty, as well as the shameless violation of National Law, be careful lest, in the manner of your stating our wrongs, you offend the haughty pride of our insolent oppressor."—Language is inadequate to convey an idea of this baseness. We shall only remark here, that there is no correspondent caution to avoid offending *Great Britain*:—Her resentment is to be sought rather than deprecated.

Let us now examine the language of our pretendedly impartial cabinet towards *Great Britain*, on the subject of her orders—orders purporting to be simply retaliatory—orders issued after due and honourable notice—orders which did not subject the innocent and unoffending to penalties, until he was duly informed of their existence—orders which were supported by at least a colour of justification, inasmuch as they were issued by a nation capable of enforcing a real blockade, even upon the terms laid down by the armed neutrality.—No time was lost in remonstrating against *these* orders.—Our government, so blind and so tardy towards *France*, assumed, suddenly, the character of vigilance and spirit. Mr. Madison, though sick and feeble, as he declares, on the 22d *March* 1808, found health and spirit sufficient to say, not that the British orders were "a *municipal* regulation, throwing a cloud over the amity of the two nations," but that "they violated our rights, and *stabbed* our interests, and that under the name

“ of *indulgencies*, they superadded a blow at our national independence, and a *mockery* of our understandings.” More bitter expressions could not have been adopted.—We shall examine, presently, the *justice* of the charge, that the relaxations in the British orders from the severity of the French decrees, were but adding insult to injury.

In his instructions of *April 4*, 1808, Mr. Madison tells Mr. Pinckney, “ that in not regarding the British orders as acts of hostility, and in trusting to the motives and *means* (the plan of “ starving *Great Britain*) to which they have appealed, the United States had given a signal proof of their love of peace.” In plain English—the impartial administration which, for fourteen months, had not only submitted to, but had apologized for, the French decrees, without one word of complaint, without uttering a syllable about *hostility*, gave a signal proof of moderation in confining itself to a mere attempt to starve *Great Britain*, instead of *declaring war* against her, as our Secretary says we might lawfully have done. So that while a perfidious breach of treaty—a declaration of blockade, without the smallest power to enforce it—the violation of neutral territories, in order to seize *seventeen millions of neutral property*, was only “ thickening the clouds which hung over our amity,” and demanded only “ friendly expostulations for the rigour and suddenness of the provisions”—the attempt of the other belligerent, after due notice to retaliate only *partially*, is just cause of war.

We need say no more. It is not in the compass of human talent to make the case stronger !!!

It may be said, that this was only the language of our cabinet to their own minister, and that they would not have violated the rules of decorum by addressing such harsh expressions to the British government itself.—But it will be remarked, that I have compared it with like *private* instructions to Gen. Armstrong, in which, besides the most tame and submissive language, a positive injunction is given not to *offend France*, at any price—to sacrifice truth and justice rather than to incur her displeasure.

But the delicacy of our government forsook them in their inter-

course with *Great Britain*.—In the official letter of Mr. Madison to Mr. Erskine, of March 25, 1808, speaking of the relaxations of the British orders, those relaxations which afforded us some advantages not permitted by the French decrees, our minister, now raised to a *war pitch*, observes, “I forbear, Sir, to express all the emotions with which such a language is calculated to inspire a nation, which cannot for a moment be unconscious of its rights, nor mistake for an alleviation of its wrongs, regulations, to admit the validity of which would be to assume badges of humiliation, never worn by an independent power.”—This is truly the language of wounded pride; and of a cabinet possessing high ideas of national honour. If the occasion required it, it was just—if it is the same course which they have adopted towards all nations, and on occasions still more affrontive, it is impartial. We shall shew that it merits neither one nor the other praise:—

The relaxations of the British orders did not merit this philippic.—An attempt has been made to consider their relaxations as insulting. Let us examine it.

*France* orders the blockade of all British ports—and the confiscation of all neutral property, if coming from such ports, or the growth or manufacture of her enemy.

If *Great Britain* was authorized to retaliate, which upon this part of the argument we must take for granted, she had a right to retaliate coextensively with the decrees of her enemy: She had a right to prohibit all trade with *France*, and her dependencies, and to confiscate all property the produce of her colonies. Had she done this in the *same words* which Bonaparte had used, the only question would have been, whether the *lex talionis* was applicable to the case. But willing to lessen the horrible evils of such a warfare upon neutrals, she relaxed its rigour. She authorized the whole colonial trade with her enemy, so far as was necessary to the supply of neutrals; and she even permitted the trade with the continental possessions of her enemy, upon the condition that the goods were carried to her ports, and there subjected to a duty. A perfect option still remained to the neutral, whether he *would* or *would not*, avail himself of this indulgence; but it is difficult to con-



ceive how this qualified prohibition was either more affrontive or more injurious than a *direct* prohibition, like that of *France*.

That this was a mere popular trick, invented by our government to excite a clamour against *Great Britain*, is obvious from the following facts contained in the dispatches :—

Mr. Madison, in his letter of *March 25, 1808*, to Mr. Erskine, complained of this duty as adding insult to injury, more especially as applied to one of our own staples, *cotton*.

Mr. Canning, as soon as he was acquainted with this objection, applied repeatedly, and finally addressed a formal note to Mr. Pinckney, assuring him that in making such a provision, *Great Britain*, so far from wishing to give offence to the United States, thought that they would prefer it to absolute prohibition which the decrees of *France* would have authorized, and offered to take off the duty, and leave the prohibition *absolute* as it stood in the decrees of Bonaparte.

But our government, thinking it an excellent string upon which to play upon the passions of the people, have neglected, and indeed refused to give any reply; preferring to have the qualified prohibition remain, as it gives them the occasion to harangue about the insolence of a British tribute,

Thus we see, that even an honest and sincere attempt on the part of *Great Britain*, to do us justice, and relieve us from the pressure which the unjust decrees of *France* had created, is converted into a new pretext for complaint.

I had intended to notice, at large, many other instances of the meanness and partiality of our language towards these two nations;—but I am deterred, from the extent, and necessary enlargement, which I have been obliged to give to the remarks I have already made. I shall, however, briefly notice one or two flagrant examples, which will serve to give some idea, though a faint one, of the devoted partiality of our present cabinet to the views of *France*.

Mr. Madison's letter of the 2d of *May 1808*, notices the insolent note of Monsieur Champagny, in which he undertakes to declare that we are at war with *Great Britain*, and that His Majesty

of *France* will retain our property, arrested, amounting to several millions, until we decide whether we will take an active share in the war. It is to be observed on this letter of Mr. Madison,

*Firstly.* That he sends to Mr. Armstrong the newspapers of this country, to shew what was the spirit and indignation excited by that letter: On which it must occur to every man, that if our government had the same impressions of its audacity and insolence, as it now discovers, it is extraordinary that neither Mr. Jefferson in his public messages, nor the democratic members of Congress, nor the papers devoted to the Administration, ever mentioned this letter with indignation; and, of course, that the papers sent forward to prove our resentment, must have been those issued from *federal* and *independent* presses.

*Secondly.* That the only epithet of severity bestowed on this impudent letter was, "that it had the air of an assumed authority."

*Thirdly.* That fearful lest even this phrase might incense the cabinet of *St. Cloud*, Mr. Madison charges Mr. Armstrong to be *careful* that in his manner he does not offend His Majesty the Emperor.

The last case which I shall select, at this time, to prove the mean subserviency of our cabinet to that of *France*, is Mr. Madison's letter in relation to the burning of our ships by the French frigates returning from the *West Indies*.

This unparalleled outrage, which, upon *impartial* principles, ought to have occasioned a proclamation interdicting the entry of French ships into our ports, was never noticed until *July 21, 1808*, more than three months after it had been known in this country.

It was then called, by Mr. Madison, "the *most distressing* of "all the modes by which belligerents exert force contrary to right"—but, not content with this mild epithet, which applies rather to the *suffering* of the *injured* than the *injustice* of the *oppressor*, Mr. Madison frames for them a new justification, or apology, unknown to the law of nations, "that if the destruction was occasioned by a wish to prevent intelligence being conveyed to a

“pursuing or hovering force, the remedy ought to be the more “speedy.”

What! do we hear this from the minister of a neutral nation!! That if a weak belligerent fears a pursuit, and is incapable of resistance, he may destroy all the neutral ships which he meets with, on the sole condition of making reparation through the tedious and uncertain process of *diplomatic* complaint! There is an end then of all tribunals!! The ship or fleet of a belligerent may always pretend a fear, and dread of discovery, may destroy the ship, seize the goods, and leave the wretched neutral to his *diplomatic* redress. This is not only a new doctrine in the law of nations, which *France* with all her insolence would never set up, but it is *destructive* of the American neutral rights so long as we have an administration so unwilling, so backward, so timid in enforcing the rights of its citizens.

If *Great Britain* could be supposed capable of such an outrage without pretext or apology: and if she suffered her officers, after such an act of piracy, to come into her courts and libel the property, thus piratically seized, as lawful prize; what language would Mr. Madison find sufficiently strong to express his indignation and horror?

But I have done: Enough, and perhaps too much has been said, to shew that a cabinet, which could use such unequal and partial language towards the two belligerents, is incapable of sincerity, and is unworthy our respect and confidence; that to them, and them alone, we are to attribute all the evils which threaten to overwhelm us.

## No. 9.

EXAMINATION of the famous letter of Mr. Madison to Mr. Erskine, of March 25th, 1808, on the subject of the orders of Great Britain; which has been pronounced by his friends to be the most *luminous* display of our rights and injuries.

Motto.—“ The proposition of Mr. Madison, or his project for a navigation act, (of which Mr. Jefferson was the author) sapped the British interest.”

*Fauchet's intercepted Letter, Oct. 31, 1794.*

## COMMENTARY.

MR. FAUCHET appears to have known most *thoroughly* the character of our Jacobin leaders:—With Mr. Jefferson and Mr. Madison he declares he was on the most intimate footing; he speaks of them with the affection of real friendship. The authority of this letter is not denied—it was owned by Fauchet, and confessed by Randolph himself. It appears then, according to the explanation made of it by his friends, Jefferson and Madison, at the time that the famous proposal of commercial warfare, made by Madison in 1794, was in principle the same as the *one* now proposed, and was intended to *sap the British* interest.—In other words, it was, as Mr. Ames then declared, a measure hostile to Great Britain, and subservient to France.

It is impossible to censure the conduct of our administration towards Great Britain, without appearing in *some* degree to defend the latter, while you criminate the former;—and of all the pernicious errors to which the times in which we have unhappily fallen have given birth, the opinion recently broached, that it is a breach of patriotism to prove our own government wrong in its unjust claims against a foreign nation, is the most dangerous. If this absurd opinion, so fatal to freedom and public peace, had been confined to the tools of the men in power, its effects would be unimportant; but some *few less informed but honest men* of opposite opinions have doubted the propriety of putting arguments (as they are pleased to term it) in the mouths of our enemy.

If this doctrine were adhered to, the ruin of the nation could never be averted. The forms and checks of our constitution ; the rights of the press and of private opinion, would be of no avail.

If a case could be supposed, of a faction arising in a free state, who at the commencement of a war, like that of 1793, should oppose the *neutrality* declared by its government—should enter into a private league with the public agents of one of the belligerents—should encourage illegal acts of hostility against the other—should solicit money from the public ministers of one belligerent to stir up a rebellion—should in fact excite a civil war—should justify even the hostilities of their favourite nation, and, by dint of slander and corruption, should succeed to the supreme power ; would it not be a most extraordinary exercise of candour to suppose that such a set of men should suddenly abandon all their prejudices, and behave in a manner perfectly impartial towards both the belligerents ? Yet this monstrous and absurd opinion we are called upon to adopt. What I have stated as hypothesis we all know to be *history*. If men cannot throw off their passions and deep-rooted partialities like their coats, then we are fully justified in doubting the sincerity of their measures when they pretend resentment against their political supporters and allies, and impartiality towards those whom they have uniformly hated.

This is the only free country in which such a monstrous doctrine would be listened to for a moment, and the very men who maintain it, are loud in their praises of the patriotism of Roscoe, and Baring, and Brougham, and the *Edinburgh Reviewers*, who even in the midst of a war boldly arraign the policy and justice of their own government, and defend that of the nations opposed to it.—Where can be found a line which denies the right of these authors, or which attempts to silence them by calumny or threats ?

My short reasoning on this topic, independent of the general rights of the press, is this :—

The first principle of a free government is, that the rulers are not infallible :—They have passions, and they may err like other men ;—they are also as *corruptible*—Hence the doctrines of frequent elections.

If your rulers *may* err, they may err in their conduct towards foreign nations;—they may be too suppliant to one, and too insolent or unjust to another, as either interest, passion, or early prejudices may dictate. To admit, therefore, that they are always right, in their quarrels or contests with foreign powers, is absurd, and the most ruinous doctrine which could be set up by the boldest advocate for unlimited despotism. I shall undertake to discuss Mr. Madison's letter to Mr. Erskine, which the British cabinet have not deemed worthy of reply, and shall shew, I believe to general satisfaction, (excluding violent partizans,) that it is in every material part unfounded; and as this letter is the great support of all the present measures—of the President's message—and of Mr. Campbell's famous report, its importance deserves and demands a serious investigation. I regret, that, far from having discussed this subject freely in the lower house of Congress, there appears to have been a reluctance to enter into a topic so offensive to the majority; and from this cause there has appeared a disposition to make concessions which hereafter may prove detrimental to the public interest. I have no such fears, and the only regret I feel is, the conscious inability of rendering the subject as *interesting* as I can certainly make it clear and unanswerable.

Mr. Madison's letter of March 25, 1808, to Mr. Erskine, is confined to the topic of the British orders. These famous orders, though they formed in effect no part of the considerations which induced the ruinous policy under which we are now suffering—though that policy was fully resolved upon, as I have heretofore proved, in consequence of orders from France, and would have been adhered to until France should have permitted their repeal, yet they came opportunely for the administration, and have been very ably pressed into their *service*. Losing sight of the original grounds, with a meanness suited only to vulgar minds, the administration and its supporters argue as if the British orders were not only the chief motives which led to the embargo, but the *only* impediment to its repeal; and that they have even offered, as they *pretend*, to Great Britain, to take off this measure upon the repeal

of the orders, though this plan, if adopted, would *leave the nation precisely as it stood when the embargo was passed*. An offer which proves, that the embargo was adopted, in the opinion of even its authors, without due consideration.

But since the British orders are thus made the grand objection to an abandonment of a system destructive to the nation, and since the weak and the prejudiced will give some credit to the assertions of an administration however partial or corrupt, it became necessary to examine the justification of those orders set up by Great Britain, and the arguments adduced by Mr. Madison against that justification.

Are the British orders violations of our neutral rights, or are they to be attributed to a culpable neglect, on the part of Jefferson, to resist the *Berlin* decree after solemn notice that such neglect would be deemed an assent to them?

Our situation, both with Great Britain and France, was never more free from restraint or injury, than upon the 21st of *November* 1806, when Bonaparte, elated with his conquest of Prussia, issued his famous decree against *neutral trade* with his enemies, or in their produce both by land and sea. It is not necessary to insert this decree, at large; but its preamble deserves two remarks: *First*, That although he has extended his apologies to a length equal to the decree itself, and enumerated all the transgressions of Great Britain against neutrals which induced him to issue the decree, yet we neither find "the impressment of our seamen, the burning of the *Impetueux* \*," nor the British

\* Mr. Madison shews his prejudices in a strong light, when he says, that we were "no more bound to go to war with France on account of her orders than with Great Britain on account of the burning of the *Impetueux*," thus declaring that the rash conduct of a commander of a ship in continuing *within* a neutral territory, a battle begun *without* such territory, is as good cause of war, as a breach of treaty and declaration of commercial war by a sovereign himself.—Upon this case of the *Impetueux*, so often relied on, we have observed already that the French do not urge it as a cause of retaliation, and we suppose the reason to be that the law of nations is against them. The combat had been commenced on the high seas, and

doctrine of the colonial trade," which are urged by Mr. Madison, and copied by the late committee of Congress;—they have therefore volunteered in finding new excuses, which did not occur to the prolific mind of Talleyrand.

*Secondly.* That Bonaparte declares he will not desist from this system, until Great Britain "gives up all maritime captures of private property—(until the lion will consent to draw his claws)" —until the laws of war upon the *sea* shall, like those upon the *land*, protect private property."—The impudence of this language, from a man then loaded with the spoils of millions of now houseless and innocent individuals—a man who had just been carving up the patrimonies of twenty German noblemen, to give titles and estates to his new-fledged Princes, is beyond description.—It will, however, be important to remember this part of the preamble, when we come to remark how this decree was enforced in *neutral* and *free* States.—The most important articles of the decree, were, that the "British *Islands* were in a state of blockade."—As they were *islands*, it is not easy to conceive how they could be blockaded but by *sea*, nor how our government could believe, that they were not intended to operate against the only *neutral* ships that then traversed that element.—This simple declaration subjected to condemnation all property found going in or coming out of British ports; and we shall soon see that such has been the construction applied to it by Bonaparte and his tribunals, and that no other construction was ever given to it, either by him, or any legalized officer under his authority.

The other article of this decree, interesting in the present inquiry, is the one which subjected to seizure and condemnation all goods, *wheresoever found*, of English growth and manufacture.

That this decree is a violation of the Law of Nations will not be denied, and is admitted by Mr. Madison himself.

it is even added that the Impetueux had there struck. Even Azuni, Bonaparte's Civil Lawyer, admits that "Some authors of the *highest* reputation "maintain the right of a belligerent to pursue an enemy and take her under "the cannon of a neutral fort if the battle commenced at sea."



Nor is it questioned, that the doctrine set up by Great Britain, as to the right of *retaliation*, is well founded, provided the facts will bear them out in the application of this law.—Mr. Madison, indeed, obliquely admits this principle, in his letter to Mr. Erskine, of March 20, 1807. “The *respect*, (he observes,) which “the United States owe to their *neutral rights*, will always be “sufficient pledges, that no *culpable acquiescence* on their part “will render them *accessary* to the proceedings of one belligerent “~~nation~~, through their rights of neutrality, against the com- “merce of its adversary.” This admits that an *acquiescence* by a neutral nation, in the edicts of one party, which should be aimed at its adversary, through neutral commerce, may be *culpable*, and render them *accessaries*.

The elaborate letter of Mr. Madison, which we are now about to examine, admits also the right of *retaliation*, though it couples it with a condition or qualification not to be found in the law of nations, “that the retaliation must be measured exactly by the “injury :”—That the injured part must keep exact account, and return precisely as many and as heavy blows, and no more, than he has received. This we deny to be the law of nature or of nations. If a neutral suffers voluntarily his *neutral rights* to be violated, to the injury of a belligerent, it is in the option of that belligerent either to consider him as a party to the war, or to retaliate upon his enemy through the *neutral* to the utmost of his power.—If, for example, a neutral prince suffers his territory to be violated by one party, by marching 10,000 men over it to attack his enemy, that enemy is not bound to limit his retaliation to marching precisely the *same* number across the *same* territory.—This doctrine would be too absurd. That I am warranted in saying, that Great Britain, if the *facts* shall hereafter bear her out in it, would have been justified in considering the acquiescence of our government in the *Berlin* decree as a renunciation of all our *neutral rights*, is proved from the following short citation from the work entitled, “*Institution au droit Maritime*,” by Monsieur Boucher, Professor of Commercial and Maritime Law in the Academy of Legislation at *Paris* :—

“ Nations may cease to be neutral in two particulars:—*Secondly*. When they suffer their flag to be vexed by one of the belligerents, when they have the means of making it respected, or if one neutral nation, when carrying to another neutral country articles which it is unlawful to carry to a belligerent, suffers them to be taken from her by one party, without demanding reparation for the affront, she tacitly *renounces neutrality*, by taking a passive part in favour of the nation who has done the injury.”

The decree of Berlin being acknowledged a violation of public law, and the right of retaliation having been proved, and indeed admitted, let us see how Mr. Madison repels the right to apply it in this case, or rather vindicates our administration from the charge of culpable neglect:—

*Firstly*. He contends, that the French decree was so explained by Monsieur Decrès, Minister of the Marine, that we had no right to presume that it would be exercised against us.

*Secondly*. That in fact it was never enforced, until October 16th, 1807, and therefore there was no culpable acquiescence on the part of the United States.

*Thirdly*. That the previous violations of the law of nations by Great Britain rendered her the aggressor, placed France in the position of a retaliating nation, and took away the right of retaliation to which Great Britain might otherwise have been entitled.

As to the first point, the explanation of Monsieur Decrès, it did not change the situation of the parties, nor diminish our obligation to resist, for the following reasons:

*Firstly*. Because that answer did not declare, that the decrees should not derogate from our neutral and conventional rights.—The first article was explicit, subjecting every vessel that went in or came out of British ports to seizure and condemnation. Monsieur Decrès does not say that *we are* excepted, but simply “ that “ that decree does not change the present French laws as to maritime captures.” In this he was right. The laws of nations and of France previously declared, that all trade with ports blockaded, is forbidden under pain of forfeiture. Bonaparte only applied that law to the British islands, which he could not blockade, but made no change in the general principles of maritime capture.

*Secondly.* Monsieur Decrès, in a note on the same day, addressed to Gen. Armstrong, warned him that he was not the regular organ to whom application should be made, and that "he had much *less positive information* than the Prince of Benevento, as to the meaning of the decrees." *Less* information is a comparative expression, and necessarily means something short of *perfect*. Mons. Decrès then declared, candidly, to our minister, "Sir, I have no authority to decide:—My *opinion is such*, but my *information* of the Emperor's intentions is imperfect."

*Thirdly.* Our government (and Mr. Madison, particularly) so understood this explanation; for they wrote to General Armstrong, in May 1807, that they were anxious to have the *Emperor's own explanation*; a measure which would have been affrontive and unprecedented, if Monsieur Decrès had been authorized, or had been explicit;—and they put in that letter the hypothesis, "Should the French government not give the favourable explanations," you will *do* (what it appears was never done until November 1807), *remonstrate* against the decree.

*Fourthly.* Bonaparte never avowed the correctness of the explanation of Decrès; but has since decided, that his decree was *clear and unambiguous*, and was to be enforced according to its letter.

*Fifthly.* An explanation of a decree or order directly contrary to, and inconsistent with, its most explicit terms, should have been received with great caution; and a direct and explicit answer ought to have been insisted upon, in such a case, without the unreasonable delay of eleven months.

*Sixthly.* The construction put upon the decree by French officers, throughout the world, as proved by Madison's own letter, of May 22, is a proof that the French government never intended to except us from its provisions; and it was incumbent on Mr. Armstrong to have seen that directions, conformable to the explanations, were transmitted to their officers in foreign countries.

*Seventhly.* The government were guilty of gross neglect in not procuring these explanations to be confirmed. I find Armstrong's

letter covering Decrès's note, was communicated to Congress, February 19, 1807.—Madison avows, in his letter of May 22, 1807, that they were not contented with Decrès' explanations.—Why then wait ninety days before they instructed their minister; and how happens it that we hear of no demand, on his part, until the fall of the year 1807? Great Britain waited for these explanations, but she waited in vain.

If the note and explanations of Monsieur Decrès will not justify the submission of our government to the *Berlin* decree, ~~much less~~ will the *second* pretence, that it was *never enforced*.

*Firstly.* Because, from the moment it was issued, it was enforced in the European and Western seas, as far as the state of the French marine would admit. That captures did take place in pursuance of its literal and extended meaning, cannot be denied; and we hold it incumbent on our government, if it would avail itself of defence on this point, to prove that the vessels so taken were liberated by the highest judicial authority of France.—Instead of which, the ground taken is, that no decisions, no overt acts of inferior officers, or tribunals, are chargeable to the French nation, until confirmed by the highest authority; and in pursuance of this idea, Mr. Madison, with more boldness than truth, asserts, that the first case which occurred was that of the *Horizon*, an unfortunately stranded ship, and which was not condemned by the highest tribunals until October 16, 1807.—This is mere sophistry, directly opposed to the conduct of all nations, and of our own under *every administration*, especially ~~the~~ *the* PRESENT. Did we not contend that we had a right to complain of the courts of V. Admiralty in Martinique, in 1793? Did we not found some of our heaviest complaints against Great Britain upon the conduct of General Grey and Admiral Sir John Jervis, though unauthorized by their own government?—And, in later times, have we not seen an act of exemplary self-redress, an act of serious and alarming import, the prohibition of the entry of British public ships, *not merely* laid as a precautionary measure, on account of the act of an *inferior* officer, but adhered to, most pertinaciously adhered to, though it was perceived that it was an *eternal* bar to amicable adjustment.

Yet, my fellow-citizens, this same inconsistent administration has the audacity to declare to the world, that France never in *one instance* enforced her *Berlin* decree before the case of the *Horizon*, on the metaphysical distinction, that that was the first instance in which her *highest* authority sanctioned it, though Mr. Madison declares, in a former letter, that the French *West India* cruizers were "indulging their licentious cupidity, and were enforcing the *Berlin* decree in a manner that would constitute just claims of redress."

*Secondly.* Mr. Madison asserts, positively, that the case of the *Horizon* was the first that occurred of the positive extension of the *Berlin* decree to our trade; and that, as that took place only on the 16th of October 1807, it could not have been known in England on the 11th of November, the date of their orders; but it appears that the Emperor, on the 23d Sept. 1807, in answer to certain queries addressed to him from Bourdeaux, replied, that as the decree of November 21, contained no exceptions, there should be none in the application. Monsieur Cretet, minister of the interior, under the date of September 18, 1807, refers to the resolution of the Emperor to enforce the decree of *Berlin* according to its letter. It will not be pretended, that when the mail reaches the British cabinet often in four days, they had not notice of this resolution in two months after.

*Thirdly.* But the last, and conclusive answer to this excuse for the lethargy and submissive meanness of our administration, is, that the *Berlin* decree was executed first in Hamburg, and afterwards in Tuscany, two *neutral* and *independent* States, against American property. This is admitted in Mr. Madison's letter of February 8, 1808, in which he at that *very late* day tells our minister, at Paris, to inquire into the cases, and make such a *kind* of representation as the cases might require. The enforcement of the *Berlin* decree was by French arms, not by the consent of the local sovereigns. Bourienne, French minister at Hamburg, in one case ordered the seizure, and Miollis, a French general at L'ég horn, in the other. In the latter case it will be recollected that Tuscany was not a conquered country, but by solemn

treaties recognized as independent. The forced and fraudulent treaty of Fontainebleau had not surrendered that kingdom at the date of the decrees and seizures of which I speak; and it is well known that the government of Etruria, so far from lending its aid to these perfidious acts, remonstrated against their operation, but in vain. Shall we be told that this property, after much vexation, was restored, on condition of paying a tribute to the Freebooter?—This alters not the principle.—The decree was enforced in neutral territory, always deemed more sacred than neutral ships, and the tendency of it was to check, nay, destroy all neutral commerce in the goods of the growth or manufacture of Great Britain.

This enforcement then alone was a full justification of the British decree; and our government, in place of remonstrance against this enforcement, have openly justified it by their diplomatic apologies.

The last defence of Mr. Madison, of the shameful supineness of the administration, is predicated on the assertion, rather becoming a French pensionary than a minister of a sovereign State, that France was authorized to consider the previous interpolation upon national law, made by Great Britain, as justifiable causes of retaliation.

These are confined to the cases of blockade, and to the question of the colonial trade. As to the former, if the commanders of small squadrons have occasionally overleaped the strict rules of the law of nations, their Admiralty Courts have been always prompt to give redress; and I defy the honourable Secretary to point a case on the subject of blockade, decided by the highest Courts in England, where the doctrine extends beyond the principles of the armed neutrality on this point.

As to the question of the colonial trade, I had prepared myself to enter largely into it; and shall probably do it on some future occasion—but I shall limit myself at present to the few following remarks:—

The conduct of Great Britain, on this point, is stated by Mr. Madison as entirely modern.—He says that “it was never asserted

till the war of 1756; and that Great Britain is the only nation which ever acted upon it or gave it otherwise a sanction."

This rash and unfounded assertion has been most fully refuted in the late argumentative speech of Col. Pickering; and he has shewn that half a century before it was advanced in British Courts, it was solemnly decreed by the French King. Whether our minister of State was ignorant of the French ordinances, or purposely suppressed them, he has the free option to decide—But perhaps he will say, that like the decree of *Berlin*, which he so ably defends, they were never enforced—they were "*vox et pre-terea nihil*"—Here I am happy to be able to support the argument of the venerable and inflexible patriot, Colonel Pickering, by shewing, from authority which will not be disputed, that the French decrees of 1704, and 1744, cutting off the colonial trade, were actually enforced.

In the treatise entitled "*La Nouveau Codes de Prises*," written under the orders and auspices of the French government, by one of their own officers, in a note under the ordonnance of 1704, it is said, "This was *constantly followed* during the war of 1756, and "until the war of 1778."

The decrees of 1704 and 1744 made all goods of the growth or produce of the enemy, found in any trade except between the neutral country and the country which produced them, lawful prize; and this writer declares they were uniformly enforced until the war of 1778—Then indeed the policy was *nominally* changed.—The league, of which France persuaded the Empress of Russia to be the head, attempted to force upon Great Britain a new maritime code infringing the old law of nations.—The coalition effected nothing; and not one of the then contracting parties has adhered to the same principles.

Russia herself, the head of that famous coalition, has, in subsequent conventions, abandoned all its principles, and particularly in a pretty recent treaty with England has acceded, in *positive terms*, to the correctness of the rule of Louis XIV. of 1704, so far as to embrace *explicitly* the rule of 1756.

Thus we see, that neither of the defences set up by our admi-

nistration, will cover the deformity of their behaviour towards the two belligerents:—That they have accepted a futile and ridiculous explanation, in the sincerity of which they did not believe:—That they are mistaken in pretending the French decree was not enforced, and equally so, in setting up for France an excuse that her decree was only retaliatory.

### Note 1.

#### *Upon the Violations of Neutral Territory by France.*

WE have said in the text, that the Berlin decree was instantly enforced in the neutral and independent state of Hamburg, and afterwards in that of Tuscany, but as this point is the most important we have urged, and entirely destroys the feeble fabric raised by our apologizing secretary, we shall insert the following proofs in support of our assertion:—

*Firstly.* “ On the 24th day of November 1806, three days only after the date of the Berlin decree, Bourienne, minister of France at Hamburg, notified the Senate of that free city, the only legitimate authority, ‘ that all English merchandise in the harbour or territory, *no matter to whom belonging*, should be confiscated.’ Similar notices were issued to the free cities of Lubeck and Bremen.”

These facts were known in the United States to our government in February 1807, and were not *noticed* by them till February 1808, three months after the British retaliatory orders, and twelve months after the injuries.

*Secondly.* Captain Hilliard arrived at New London from Lisbon, in February 1807, and stated that the effect of the Berlin decree was so great in that city, that many *neutral* ships, laden in that *neutral* country for England, had been obliged to unlade their cargoes—Such were the apprehensions of its effects ninety days after its date, and so *serious* were its evils to Great Britain.

*Thirdly.* His Majesty Louis King of Holland, in a speech to his legislature of the 5th December 1806, only fifteen days after the date of the Emperor his brother's decree, speaking of it, says, “ That the *suppression* of every *neutral* flag, and particularly the *general* blockade (this was before the British blockade of European ports) have annihilated the last resources of commerce, but that these temporary evils must be endured, as they are intended to produce eventual good.”

Thus then, while Madison and Jefferson are apologizing for the Berlin



decree, the King of Holland, the brother of the tyrant, and his tool, declares that it amounts to the total "*suppression of every neutral flag*, and the *annihilation* of "commerce." Since our government have extended this decree to us by the embargo, we perceive that this description is but too well founded.

*Fourthly.* Bonaparte, under the Berlin decree, on the 19th August marched 3000 men, under General Miollis into Leghorn, seized all the *American and other neutral* property which had been of British growth. The journal of the little city of Augsburg, in Germany, DARED to characterize this seizure as an act of violence "committed in the *INDEPENDENT* state of Tuscany," thus confirming our remarks in the text.

Mr. Israel Williams of Salem, who left Leghorn October 1st 1807, confirms our declaration, that the Queen of Etruria was opposed to this seizure, and of course that it was a forcible breach of the neutrality of an independent sovereign.

These seizures were known and noticed in the English journals sixty days before the date of their retaliating orders.

*Fifthly.* The tyrant of Europe enforced his decrees in the *Papal territory*, another neutral sovereign, on the 19th September. This fact was also known and stated in the British papers prior to their orders of November 11th—But

*Sixthly.* The most important fact, shewing the confidence which the British government reposed, but erroneously *reposed in the honour* of our cabinet, is derived from a speech of the Advocate General in Parliament, on the 4th February 1807, more than nine months prior to their orders. He says, "That on the 19th January 1798, a decree was passed by France, making all vessels freighted in whole or in part with British commodities lawful prize. To show," says he, "what was the indignation of neutral nations at this decree, the President of the United States, the *Hon. John Adams*, stated to Congress, 'that as that French decree had not been repealed, notwithstanding our attempts to get it repealed, he considered it as an *unequivocal act of war*, and to be resisted as *such*;' and the Lord Advocate added, 'there could be no doubt but America could act with equal spirit on the present occasion.'—Alas! he little understood the character of our present rulers, or our miserable deterioration."

## Note 2.

*French Regard for Neutrals!!!*

In order to justify the outrageous conduct of France in issuing the Berlin decree, Mr. Madison, and other public men, have pretended that Great Britain was the aggressor, and have even gone back to the war of 1756 to prove it. Although we protest against this extraordinary course of going beyond treaties of peace and commerce, to find apologies for recent vexations, yet we believe that Great Britain would gain by the comparison, and that France would appear to have been always the first to violate neutral rights. To prove this, we make the following abstract from the

*Code des Prizes par Lebeau chargé des détails du Bureau des Lois du Ministre de la Marine et des Colonies: Printed at the Public National Press.*

1543. Art. 42. Edict declaring enemies' goods in the ships of a friend, or even ally, lawful prize, and the goods of a friend in the ships of *enemies* equally so, and confiscating the ship in the former case.

1584. Article 65, reciting the impossibility of discerning a friend from an enemy by sight only, authorizes the pursuit, capture, and search of neutrals or allies, and in case of resistance by such neutral, orders for that cause, *condemnation*.

Article 69, confirms the article of the ordonnances of 1543, as to condemnation of enemies' goods in neutral bottoms, and neutral goods in enemies' vessels, and declares that *neutral persons* on board enemies' ships shall be lawful prisoners, as well as enemy persons generally in *neutral* vessels.

1673. Dec. 19. Ordonnance confirms the principle that enemies' goods shall be good prize in neutral vessels, except where treaties with neutrals forbid.

August 5, 1676. Decree declaring, that as his Majesty had issued a proclamation, ordering all Frenchmen in the service of *any foreign* state to return under pain of death—orders the punishment to be commuted for the galleys.—August 1681, decree, Art. 7th, confirms the law that enemies' goods in friendly ships shall be good prize, and also confiscates the ship—and friends' goods in an enemy ship, equally so—confirmed by decree of Council 26th Oct. 1692, in a particular case; the same principles are confirmed by Art. 5th, of the Ordonnance of 23d July 1704, and further confirmed by Art. 5th of the Ordonnance of October 21st, 1744, except so far as relates to the neutral *ship* itself. This last Ordonnance continued to be enforced till 1778. So late also as the 29th June 1779, the council of prizes condemned the property of certain *neutral* merchants of Tuscany, un-

der the above Ordonnance, for having been found on board an English ship, the Grand Duchess of Tuscany.

By a decree of December 6th, 1779, of the council of prizes, present the King, a Danish ship, the *Anna*, was condemned, together with all her cargo, because *some part* of that cargo belonged to *British subjects*.

Article 12th, of the Ordonnance of 1681, authorizes force against any vessel which *refuses* search, and condemns for *resistance* only.

Decree, 1692, Oct. 26, of the King in Council, declaring that the vessel and cargo St. John, being a neutral ship, should be condemned, because a *small part* of her cargo belonged to an enemy.

Feb. 17, 1694—Orders the condemnation of all *neutral* vessels, if originally of enemy's fabric, or *once owned* by an enemy, unless the bill of sale and powers of attorney are found on board.

Ordonnance of 25th July 1704, recites in the preamble his Majesty's disposition rather to enlarge than abridge the rights of neutrals, declares (as Bonaparte does in all his preambles) that his Majesty is in favour of *free* commerce, and especially "to preserve the *same* extent and the same liberty of " commerce to *neutrals*, which they had been accustomed to *enjoy during* " the peace." He goes on in the usual French cant to charge his enemies, the English and Dutch; with causing still greater restraints upon the commerce of neutrals, and says that "he could with *justice* have followed their example," thus setting up in the broadest terms the law of retaliation through *neutrals*.

The five first articles of this Ordonnance contain the limitation of the Neutral trade as follows:

1st. Neutrals may carry their *own native produce*, except contraband, even to an enemy.

2d. Neutrals may carry even from an enemy's country *direct to their own*, any goods of which they shall be the owners.

3d. Neutrals are forbidden to carry from one neutral country, goods of the fabrick or growth of an enemy of his majesty, *even to another neutral* country, on pain of confiscation of the goods.

4th. Neutrals are forbidden to transport any goods of the growth or fabrick of an enemy, from the port of any neutral to any enemy's port, on pain of forfeiting the *whole* cargo, of which *any* part is of enemy's growth.

5th. All *neutral* vessels having on board goods, the property of an enemy, shall, together with their *cargoes*, be lawful prize.

By another Ordonnance of October 21, 1744, all the foregoing articles were confirmed, except the last, which subjected the ship of a neutral as well as the cargo to forfeiture, which was relaxed so far only as respects the ship.

Monsieur Le Beau, in this national work, printed in 1800, says, that "These decrees were *constantly pursued during the war of 1756*, but that "in the war of 1778, there were some changes." See *Le nouveau codes des prises*, page 284, in a note of the Editor.

The cause of the changes made in 1778, is well known to those who have attended to the intrigues and objects of the armed neutrality.

There are three other extraordinary articles in the Ordonnance of 1744, repugnant to the law of nations, and *all* of which Monsieur Le Beau observes, were re-enacted in the Ordonnance of 1778, and were acted upon.

1st. Condemns neutral vessels and cargoes solely for the cause of having thrown overboard *any* papers, though enough remain on board to prove the neutrality of the property.

2d. Condemns neutral vessels if they shall have contravened the passports of their own sovereign.

3d. Condemns all neutral vessels which shall have undertaken any *new* voyage other than the *one* stated in her clearance; and declares that no *passports* shall be valid unless the ship was at the moment of issuing in her own country.

11th Article of the same Ordonnance, declares null all passports granted to owners or masters of neutral vessels, if such owners or masters were subjects of an *enemy*, unless such persons had been *naturalized before the war*.

The public will perceive, in the foregoing article, the injustice of the clamours which have been urged against Great Britain, on the subject of her refusing to respect our Naturalization law, as to her own subjects. These Englishmen, so naturalized, are by the present laws of France liable to be seized as *prisoners of war*, and the ships they own or command are prize, and yet an English sovereign cannot touch them.

In the Ordonnance against marine deserters, passed by the French King in October 1784 it is declared, that *all French classed seamen*, whether deserters or not, who even in time of *peace* shall be found on board *foreign* ships without leave, shall be imprisoned fifteen days, &c.—and if *arrested in time of war* on board *foreign* ships shall be sent to the galleys.

That such is the true construction of this article, will be evident to every person acquainted with the French language and marine laws, and that “seront *arrêtés* sur des navires étrangers, ou passant en pays étranger,” are very different terms from “*pris* sur des vaisseaux ennemis,” and that the former means simply, *arrestation in neutral merchant ships*.—If any independent Neutral nation had spoken wholly the French language, we should have seen this decree rigidly and frequently enforced.

Here then is declared what we have long sought to establish as the French law, the right to seize in time of *war* their own seaman *not deserters*, not in *enemy's* ships, but any *foreign ships*.

Ordonnance, May 19th, 1793, orders all vessels belonging to neutrals, which shall be laden in whole or in *part* with provisions bound to an enemy, or with enemies' property, to be detained and brought in; the merchandise of enemies forfeited, and the other paid for at fair value.

It will be remembered that this was the very first order of either belligerent against neutral trade in the late war, being dated thirty days before the British provision order of June 8th, 1793—it was also a violation of the treaty of 1778. On the 28th May 1793, they declared that the United

States were not comprized in *that* order, but ordered that our property which had been seized should remain *sequestered*. On the 1st of July, they repealed it wholly as to the United States—But on the 27th of the same month, they repeal the repealing act, and declare that the confiscating decree shall be executed according to its letter.

The resemblance there is between this conduct, and that in regard to the Berlin decree, is very remarkable.

## No. 10.

RECAPITULATIONS of the Points established ;—and REFLECTIONS upon them.

THE examination in detail of the diplomatic intercourse of our administration, requires no ordinary share of patience and attention ; and it would be in vain that we should expect of our readers in general, the sacrifices of their ease necessary to such an investigation. But if the situation of our country is really as perilous as the language of the President, of the members of Congress, and the complaints and anxiety of the people, would prove, surely it is not too much to expect of the patriotism of our fellow-citizens, that they will examine and weigh with candour and seriousness, the *results* of the labours of those, who, from any motives, have been induced to look more profoundly and more patiently into the causes of our disasters..

I shall therefore undertake to state briefly the inferences which are necessarily drawn from the examination of the very extraordinary diplomatic conduct of our administration, and I invite those who may doubt the correctness of these inferences, to examine the preceding numbers of the “ Analysis,” upon which these inferences are founded.

It has appeared in the course of our investigation, that our administration, so far from maintaining an impartial and dignified course of conduct towards the belligerent nations, has sought for apologies for the atrocious violations of our rights on the part of

France, and has been disposed not only to put the most unfavourable constructions upon the conduct of the British cabinet, but to compel that nation to an open declaration of war, or on failure of that plan, to rouse the passions of the American people in such a manner as to make them desire, and demand, a declaration of war on our part against Great Britain.

This partiality, and this project, have been evident from the following facts established by this analysis:—

*Firstly.* That early in 1807, the government of the United States chose to put a favourable interpretation on the French Berlin decree—an interpretation directly opposed to its positive and explicit terms;—that it accepted, as an explanation of that decree, an informal, unauthorized, and inexplicit declaration of a subordinate officer, in which it appears, by subsequent papers, the government in truth placed no serious reliance, but considered that a positive confirmation on the part of the Emperor was absolutely necessary.

*Secondly.* That such a favourable explanation of the Berlin decree has never been obtained, but on the contrary, the only opinions expressed by proper authority in France have been in favour of its literal execution.

*Thirdly.* That although no evidence existed as proved by the foregoing positions, that France had determined to relax the rigour of her decree as to us, but by the confession of our own government it was from its date enforced in the West Indies, in all the tributary states, and *more particularly in neutral and sovereign countries*, by French arms; yet no formal remonstrance was ever made by our submissive rulers, until General Armstrong's letter of November 12th, 1807, one day after the date of the British orders, retaliating those of Berlin.

*Fourthly.* The government of the United States, so far from remonstrating against the French decree, have *apologized* for it on two grounds:—

*Firstly.* That it was *merely municipal*, and therefore *lawful*. This we have disproved, by shewing that it was enforced in *neutral and independent countries*, where, though the French arms were predominant, yet the local

sovereignty was still *acknowledged*, and therefore France was precluded from considering them as conquered countries: We allude to Hamburg and Tuscany.

*Secondly.* Mr. Madison has apologized for the French decrees on the ground of their being retaliatory on British former usurpations. To this objection, or apology, it has been replied: 1st. That Britain has set up no doctrines not recognized either by the law of nations or the *example of France*, in which latter case it was contended that France could find no fault. 2dly. That had such cases of British usurpation existed, (which is denied,) they must have been such as existed prior to our treaty with France, and that treaty merged or destroyed all pre-existing causes of complaint. It is not competent now for France to urge, as a ground of her *vengeance* against us, any *principles or facts* which existed prior to that treaty, in which we gave up to her twenty millions of just claims.

The fifth general inference from these dispatches is, that the language, the tone, and temper, adopted towards Great Britain and France, demonstrate the most humble submission to the latter, and a fixed determination to affront and quarrel with the former. We refer our readers to No. 8 of this analysis for the proofs of his assertion.

*Sixthly.* While there is a pretended impartiality in the offers to Great Britain and France, it appears that to the latter the positive offer was that of an alliance in the war as a condition of the repeal of her decrees; but to Great Britain, the insulting and barren offer of a repeal of the Embargo was the only proffered inducement;—an offer which we proved to be destitute of reciprocity, affrontive, mean, inconsistent, and hypocritical.

*Seventhly.* We have shewn that neither of the offers was in fact sincere, though that to France was made with the perfect approbation of the Emperor.

The offer of war to France was absurd, because it was on the condition of the non-repeal of the British orders, when it was perfectly certain that Great Britain would repeal those orders as soon as the decrees of France should be removed.

The offer to Great Britain was equally insincere, because it was morally certain that she could never repeal her orders until the French decrees were removed.

Because her orders were avowedly grounded on the French de-

crees, and it would blast her reputation for sincerity, should she withdraw them without the repeal of the avowed causes.

Because it would humble her before her enemy.

Because it would degrade her before us, and would be an admission that we could at any moment starve her into any concession of her just rights.

Because, in fine, our offer was coupled with conditions affrontative to her cabinet, and while we continued our interdiction of her public ships, which was of itself a barrier to all negotiation.

Such are the proofs of insincerity evinced by the dispatches which we have examined. We have offered a solution of the causes of these extraordinary proposals.

To France, who not only understood our game, but who *had directed it*, no apology was necessary.

To Great Britain, mean and false apologies were offered; our government even condescended to declare, that our measures were purely municipal and in no degree hostile, though Giles, and Campbell, and Gallatin, and all our private democratic champions, avow that they were intended to *coerce* Great Britain. But our *Machiavels* did not deceive the British Cabinet; and if the honest and indignant language of Mr. Canning, though couched in the decorum of diplomatic forms, did not reach the consciences of our rulers and excite a blush of shame, we can only regret the degeneracy of the age and of our country in having such rulers.

The only motive in making these insidious offers, insincere towards both, in concert with one, and understood perfectly by the other, was to stifle the clamours, and impose upon the blind credulity of the American people.

Never did there exist a people on whom the most barefaced and shameless hypocrisy could be so successfully practised;—if I may judge from the apparent success of this project. From one end of the continent to the other, these dispatches, with the exception of the Evening Post at N. York, and a few independent papers in other places, appear to be received every where with indifference, with forbearance—or even acquiescence. The general silence seems to be an implied admission that the government have



suddenly departed' from their crooked policy, and have adopted something like a fair course towards the two belligerents. This proceeds solely from that indolence which will not examine, or that spirit of submission which shrinks at the bold effort of stemming popular prejudices.

I have undertaken, though conscious of my inferiority to resist this current, to call men back to reason and themselves.

If the administration had until this moment been pure and unspotted;—if it had evinced the most honest impartiality, I think the present dispatches would prove that they have submitted themselves to the domination of France, and are fatally bent upon producing an open collision with Great Britain.

It is impossible for a man, however charitable, to peruse these dispatches, and connect them with the most extraordinary measures of our cabinet hitherto adopted and now proposed, without coming to this result, that an alliance, either express or implied, exists between the cabinet of Washington and that of St. Cloud.

The present rulers of the United States have, at all periods of their public life, united their fortunes with those of France. The politics and interest of their own country seem to have been always subservient in their minds to those of their foreign friends. I will not make the charge of corruption;—it matters not to the private citizen whether the *ruinous* and *destructive* conduct of public men proceeds from deep-rooted partialities and antipathies, from corruption, or the hopes of future reward; the alarming fact is equally to be regarded from whatever source it may proceed.

In reviewing the history of the United States, I find that, in 1780 and 1782, Mr. Jefferson and Mr. Madison, and the Virginian oligarchy, were too much devoted to France. I find Mr. Samuel Adams and all the New England delegation, when no British party could be pretended to exist, equally hostile to this French faction.

In examining further, I perceive Mr. Jefferson and Mr. Madison taking the side of France in 1793, opposing our NEUTRALITY; of the good effects of which they have the unparalleled audacity to boast at the present day. I find them charging Washington

with base ingratitude for not joining France against Great Britain. I find them intimate with and praising Genet, and Fauchet, and Adet, and equally praised and esteemed and confided in by these foreign ministers. I find them for fifteen years radically and unmoveably hostile to England. I find that, by stirring up and cultivating the prejudices of the nation against Great Britain, they have acquired and retained their power. Shall I then presume a *miracle* wrought in the hearts of these rulers, and that in a moment they have renounced all their partialities and antipathies, and endeavoured honestly to promote a fair and equal, correct and impartial understanding with both?

This would be a stretch of charity too great for human powers.

Let us then view them as they are, fallible, imperfect men; of passions like unto others, devoted to France, and deeply hostile to Great Britain.

Has their conduct coincided with this state of things? and if it has, is it the *real source* of all our evils.

In February 1807, a treaty was made with Great Britain by two men not suspected of partiality to that nation—they were satisfied it would be agreeable to the United States; and so Mr. Jefferson assured Congress in a formal message.

In the interim the Berlin decree arrived; this ought to have strengthened the motives to amicable adjustment with England.

But this treaty so made, and indeed excellent in its provisions, was rejected without the ordinary respect and deliberation given to treaties made with Indian tribes. Great Britain, though she felt the affront, (as she had made *unexpected concessions* in that treaty) dissembled her sensations, and professed her disposition to retain her good understanding with us.

In the mean while an unauthorized British officer accidentally favours the views of our cabinet. Provoked, too much provoked by a shameful encouragement of *British deserters*, a principle which in these dispatches our government concedes to be *wrong*, this officer causes an attack on one of our national ships.

Without waiting for the usual remedy, without confiding in the justice of the sovereign, ignorant and of course innocent of the

offence, our government assumed the reparation, and by an *act of avowed hostility* compel Great Britain either to make *war* or refuse redress.

Overlooking this purposed insult, and taking counsel from magnanimity rather than angry pride, she sends us a special envoy to placate our resentment. But adhering to our designed punctilios we reject him.

Pending this affair Bonaparte forbids our trade with Great Britain—writes a note declaring us at war, and threatening confiscation, and his resentment in case we refuse. He orders a suspension of all commerce on the part of all those nations whose *arms* in *active* war would be of no avail.

We came within this description, and obedient to his *rescript*, in four days after receipt of his orders (a time which Colonel Pickering observes was sufficiently short *for such a plan*), we issue an edict *waging war* with all the commerce of the United States, and all the *rights* of the commercial States.

This was first avowed to be merely municipal ;—but it is now acknowledged by Mr. Giles and Mr. Gallatin to have been *hostile* to Great Britain. So Bonaparte understands it, and in two public official French declarations, it is praised as being a proof of our hostility to Great Britain, or in other words our subserviency to France. Still something remained to be done to place us on as favoured a footing with Bonaparte as *Holland* or *Italy*.

Mr. Campbell's Non-Intercourse resolution effects this ; and as Mr. Gallatin observes, there is no distinction between this and a *declaration of war* against Great Britain—Such has been our policy—Such its fatal termination.

FURTHER  
AND *STILL* MORE IMPORTANT  
*SUPPRESSED*  
DOCUMENTS.

## PREFACE.

*THE right which every Government possesses to keep secret its intercourse and negotiations with foreign nations, so long at least as they are still pending, has been most grossly abused by the present Administration.*

*Annulling themselves of the privilege of secret debate, and of the right to impose injunctions of secrecy on the members of the two houses, they have published just so much, and no more, of the Correspondence of our Government with foreign powers; as would subserve their own views, as would tend to palliate the conduct of France, and exasperate the People against Great Britain.*

*It will be perceived by the Documents which we are now about to publish, the authenticity of which may be relied on, and which we challenge Mr. Madison to disavow if he dare, that while the most important facts in the treatment of France to us and the most interesting opinions of Gen. Armstrong, tending to shew the necessity of a war, or of spirited measures against that nation, have been purposely kept back, letters from Mr. Finckney on the other hand, favourable to Great Britain, and to her views and feelings, have been equally suppressed.*

*It will be seen, that as the Government professed to take hostile ground equally against both, no honourable motives of policy or prudence, no rules of diplomatic delicacy required the suppression of these letters.*

*We are happy in being able to give them to the public.—We shall place them in order of time, and accompany them with such explanatory remarks only, as are absolutely necessary to the right understanding of such mutilated extracts.—The other parts of the same correspondence will be found by our readers among the documents published by order of the Senate early in the present session.*

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THE first Document which we present to the public is an extract of a letter from Mr. Armstrong to Mr. Madison, dated Dec. 27, 1807, in which our Minister declares, that every man in France agrees, that the Decrees of the Emperor are impolitic; but that no man had the hardihood to state this opinion to the Emperor. It results from this correspondence, that so great are the apprehensions entertained of the violence of the temper of this tyrant, that we have no means of communicating to him the sense we have of his injustice. As his *own* ministers dare not express their own convictions, and as the rules of diplomatic forms forbid a direct application to him, we are obliged to submit to all his caprices, without the possibility of remedy. This may be an apology in the minds of the admirers and advocates of this despot, but it proves our case to be hopeless.

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*Extract of a letter from Mr. Armstrong to Mr. Madison.*

PARIS, DEC. 27, 1807.

“ I FORWARDED to Mr. McElhony a Copy of a second and very extraordinary Decree \* of this Government with regard to neutral commerce. Whether it be meant to stimulate Great Britain to the commission of new outrages, or to quicken us in repelling those she has already committed—the policy is equally unwise, and so decidedly so, that I know not a man of consideration who approves of it. It is however not less true, that it is as difficult to find *one* who will hazard an objection to it. T—d who in this way is permitted to go further than any other person,

\* The Milan Decree of Dec. 17th.

dare not avow his opinion of it, nor (bad as he thinks it) do more than state that the present moment would appear to dictate some modifications. To this point he stands engaged to go, and I wait the result with much anxiety. The Emperor is expected here on the last day of the month."

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THE second suppressed document is a part of the letter of Mr. Madison of the 8th of Feb. 1808, to Mr. Armstrong. The letter was published as a perfect whole. No reference whatever was made to any suppressed extract, nor was it intimated that any part had been suppressed.

The part now added originally followed the sentiment, expressed by Mr. Madison, that his Britannic Majesty had declared, "that he would repeal or relinquish his Orders *pari passu* (with equal pace) with his enemy, France."—Mr. Madison in the *suppressed* extract, now first laid before the public, adds, that he presumes the British Government did not contemplate the distinction between that part of the French decrees which operated *on land*, and that part which operated *at sea*. And the inference is, that Great Britain would not admit the absurd and disgraceful distinction set up by our Government, that the French decrees *so far* as they affected our trade in their ports were lawful, but so far as they affected our trade on the ocean were *unjust*: and Mr. Madison concludes with urging a *modification only* of the French decrees so far as respects the *seizure* in their *ports*, and urges it on the ground, not of our rights secured by treaty, but on the effect it would have on the *objects* of France. That *these objects*, the destruction of British commerce, would be as effectually promoted by annihilating our treaty and confining her seizures to her own ports and those of her dependencies as by captures on the ocean. The late report of a relaxation of the Milan decree seems to be founded on this treacherous concession of Mr. Madison, and probably was produced by the mean councils of our cabinet.

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*Extract of a letter from Mr. Madison to Mr. Armstrong.*

FEBRUARY 8, 1808.

[To follow the paragraph ending with the words " *pari passu* with his enemy."]

"WHETHER these intimations have any references to the distinction between such parts of the French Decree, as operate municipally on shore, and such as operating on the high seas, violate the rights of neutrals, or to a distinction between the former restriction, and the late extension of the Decree with respect to the United States, Mr. Erskine did not seem authorized to say. The probability is, that neither of these distinctions entered into the views of the British Cabinet. But it is certainly neither less the duty nor the true policy of the Emperor of the French, so to vary his Decree, as to make it consistent with the rights of neutrals and the *freedom of the seas*, and particularly with his positive stipulations with the United States. \* This may be the more reasonably expected, as nothing can be more clear, as has been already observed, than the effect of the Decree, as far as it can be carried into effect, would not be sensibly diminished by abolishing its operation beyond the limits of the territorial sovereignty."

THE next documents in order of time are the suppressed letters of Mr. Armstrong to Mr. Madison of 22d Feb. 1808, and of the 9th March of the same year.

The first, which in the *pure* periods of our history would have roused our nation to a flame, contained facts and allegations of the most important tendency, and proofs of a temper, to which no nation ever yet submitted before it was subdued; we now give it to the public.

It appears, that Bonaparte declared we should be either "ALLIES OR ENEMIES,"—that the amount of property sequestered was upwards of one hundred millions of francs, or seventeen millions of dollars, nearly three times as great as the whole amount of British captures during the whole of fifteen years war;—that our ambassador at Paris, who cannot be charged with *too much* spirit, declared, that the *very magnitude* of these sums, rendered all hope of redress



abortive—and that he presumed as soon as we should know from him that France had thus definitively taken *her* ground, “WE SHOULD IMMEDIATELY TAKE OURS.” In other words, that we should resist with our whole energies such flagrant insults and violations of our rights.

Yet *this letter is suppressed*—and it produced no sentiment of indignation in our submissive rulers. We did take *our ground*, but it was the ground of base submission, of further humiliation.

The letter of the 9th of March, hereto subjoined, shews, that Bonaparte had stated, that he would modify his decrees, if we could point out a mode in which he *could do it without departing from his system*; but Mr. Armstrong explicitly states, that *he doubted the sincerity of this declaration.....*

In fact, he made a proposal for modification to which no reply has ever been given.

*Extract of a letter from Mr. Armstrong to Mr. Madison.*

FEBRUARY 22, 1808.

“MR. PATTERSON offering so good a conveyance that I cannot but employ it. Nothing has occurred here since the date of my public dispatches (the 17th) to give to our business an aspect more favourable than it then had; but on the other hand, I have come to the knowledge of two facts, which I think sufficiently shew the decided character of the Emperor’s policy with regard to us. These are first, that in a Council of Administration held a few days past, when it was proposed to modify the operation of the Decrees of Nov. 1806, and Dec. 1807 (though the proposition was supported by the whole weight of the Council), he became highly indignant, and declared that these *decrees should suffer no change*—and that the Americans should be compelled to take the positive character of either *Allies or Enemies*: 2d, that on the 27th of January last, twelve days after Mr. Champagny’s written assurances, that these decrees should *work no change in the property sequestered*, until our discussions with England were brought to a

*close, and seven days before he reported to me verbally these very assurances, the Emperor had by a special decision confiscated two of our ships and their cargoes (the Julius Henry, and Juniata) for want merely of a document not required by any law or usage of the commerce in which they had been engaged. This act was taken, as I am informed, on a general report of sequestered cases, amounting to one hundred and sixty, and which, at present prices, will yield upwards of one hundred millions of francs, a sum whose magnitude alone renders hopeless all attempts at saving it—Danes, Portuguese, and Americans, will be the principal sufferers. If I am right in supposing that the Emperor has definitively taken his ground, I cannot be wrong in concluding that you will immediately take yours.”*

*Extract of a letter from Mr. Armstrong to Mr. Madison.*

9TH MARCH 1808.

“THE conversation alluded to in the copy of the letter ——— did not take place till the 8th inst. when the Emperor declared that if means could be found to make an exception of the November Decree, that such exception should have his consent.

*Extract from the same to the same.*

15TH MARCH 1808.

“I STATED, in my last letter, the substance of a declaration made by the Emperor, viz. that if means could be found to except American property from the operation of the Decree of November 1806, without infringing the principles of the Decrees, he would immediately make the exception. No time was lost in communicating this declaration to me, and I was invited to point out the means it required, and assured that they should be immediately submitted to his Majesty. Little as I liked the proposition, and much as I doubted the sincerity of the declaration out of which it grew, I could not refuse any agency of mine in rescuing so much of the American property sequestered in the ports of France as should come within this new rule. I accordingly wrote the Note

(a copy of which is subjoined to this letter) pointing out in a few words the property to which that rule would apply. This note was put into the Emperor's hand by the Prince of Benevento, who, though six days have now elapsed, has not yet received an answer."

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THE following document from Mr. Madison to Mr. Armstrong, proves that our Government were resolved to give up all claims for the unjust decrees of France, so far as they operated *on land*: that Mr. Madison chose to overlook the captures in the West Indies, stated in his *own* letter of May 22d, 1807: that though Bonaparte had expressly avowed *nine* months before that his *original plan* was to extend the decree of Berlin to American Commerce, Mr. Madison chose to consider the *original plan confined* to seizures in port; and that all we wished was, that France should *so modify* her decrees, as to cut us off from all trade with the Continent, provided they would permit us to navigate *the ocean*. This hint is said at last to have reached the *Imperial ear*, and that he has consented to modify, not his Berlin decree, but the decree of *Milan*, which rendered a forcible boarding by a British cruiser cause of condemnation.—Generous Prince! Thy bounty is equal to thy moderation! No doubt Mr. Madison will thank the Emperor for this favour, and, as before, defend the Berlin decree as a just and lawful measure.

For the Emperor's understanding of his Berlin decree, and its original plan, see Armstrong's letter published in the documents, page 20, in which he says, "that the application of that decree to us was the result of the general expressions of the article," and that the Emperor's decision, that it should apply to us, was the declaration of an *anterior and positive* disposition.

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*Extract of a letter from Mr. Madison to Mr. Armstrong.*

MAY 2, 1808.

[To follow the paragraph ending with the words "will be immediately taken."]

"THE repeal of her decrees is the more to be expected, above all, if Gréat Britain should repeal, or be likely to repeal hers, as the *plan* of the original decree at Berlin did not extend to a violation of the *freedom of the seas*, and was restricted to a municipal operation for nearly an entire year, notwithstanding the illegal British order of Jan. 1807, and as a return of France to that restricted scope of her plan, would so immaterially diminish its operation against the British commerce; that operation being so completely in the power of France on land, and so little in her power on the high seas. But although we cannot, if right, demand of France more than a repeal of so much of her decrees as violate the *freedom of the seas*, and a great point will be gained by a repeal of that part of them, yet as it may not have the effect of inducing a repeal of the whole illegal system of the British government, which may seek pretexts to plead a necessity for counteracting the unprecedented and *formidable mode of warfare practised against her*; it will be desirable, that as little room as possible should be left for this remaining danger to the tranquil enjoyment of our commercial rights."

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THE following frank and open letter from Armstrong to Pinckney proves that all hopes of operating on France, either through her justice or wisdom, were wholly vain, and worse than vain, *mischievous*.

He adds, that France has become convinced, "that *Words*, and *words* only, are the weapons we can employ."

This is too severe from a friend.—"And you, Brutus—then die Cæsar." Have the Federalists been unjust in as-

cribing this pompous boasting character to the government, when its own officers dare tell it so? Yet this officer still holds his place.

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*Extract of a letter from Mr. Armstrong to Mr. Pinckney.*

PARIS, 26th JUNE 1808.

“ THE St. Michael arrived at L'Orient, on the first instant, and the government messenger at Paris on the 8th; a passport for the vessel to Falmouth, thence to L'Orient again, was immediately requested, but one in the form could not be granted but by order of the Emperor, and this was not given till the 18th; these circumstances will account for the long detention of your dispatches. We have reason to regret that the views of our government, founded on the justice and wisdom of the belligerent powers, are so little likely to succeed. *Attempts of this character made here* (and they have not been unfrequent) *have hitherto done no good.* Nay, the repetition of these may be fairly presumed to have *done mischief*, inasmuch as it has tended to establish a creed, that words in some form or other are the ONLY MEANS we have to employ. The French Council of Prizes, which is (I am told) as like the English Court of Admiralty, as one egg is like another, has lately begun a career of condemnation. Between the 1st and 15th instant, five cases have been decided, and I am assured that orders have been received from Bayonne, for condemning all American cases en bloc [in mass.] What has suspended the *axe* since the 15th, we can but conjecture. It may be presumed that the reflections of the Spanish Junta, on the political and other relations subsisting between Spain and the United States, through the medium of the colonies, may have produced the pause. That it is not owing to any conquest which good principles have obtained over bad ones, is certain. Are things any better your side the channel?”

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THE following letter from General Armstrong proves his sense of the folly and inutility, the incompetency and fruitlessness of our embargo. He recommends vigorous measures against France.—The reasons he assigns, his conviction, that we can do much against France, and the belief entertained by France, that we *dare not* do any thing against her, while they prove, that France knew our rulers, and had *pledges from them*, of which *he* was ignorant, prove also a private good understanding with France, through some other channel than that of our accredited Minister.

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*Extract of a letter from Mr. Armstrong to Mr. Madison.*

30th AUGUST 1808.

“ WE have somewhat overrated our means of coercion, of the two great belligerents to a course of justice. The Embargo is a measure calculated, above any other, to keep us whole, and keep us in peace, but beyond this you must not count upon it. Here is not felt, and in England (in the midst of the more recent and interesting events of the day) it is forgotten. I hope that unless France shall do us justice, we shall raise the embargo, and make in its stead the experiment of an armed commerce. Should she adhere to her wicked and foolish measures, we ought not to content ourselves with doing this. There is much, very much besides that we can do, and we ought not to omit doing all we can, because it is believed here, that we cannot do much, and even that we will not do what we have the power of doing.”

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THE letter from Mr. Pinckney, which we now present to our readers, fully establishes a truth which we have all of us well known, that Great Britain is earnestly desirous of a good understanding with us—that for the attainment of this object, she will sacrifice every thing but her honour and her essential rights.

That as to the business of TRIBUTE, which our Government and Members of Congress have shamefully made a sub-

ject of complaint, it arose solely from our own Minister. —He declares that revenue was no object with the British Ministry, that they offered to place the affair on the footing of the French decrees, that is, an *absolute prohibition*: and that the course of imposing a duty was adopted as being more agreeable to us; that they have offered to take it off, if more agreeable to our Government, and that our Government and Minister preferred to keep it on as a source of popular complaint.

Mr. Pinckney declares, that the *motives* of the British Government would be acceptable to the President.

*Letter from Mr. Pinckney to Mr. Madison.*

FEBRUARY 2, 1808.

“SIR, I had an interview this morning with Mr. Canning, at his own request. One object of the interview related to the Message of the President, of the 27th of Oct. last, of which a newspaper copy had been received from Mr. Erskine. A call for a copy of this message was expected in parliament, and Mr. C. wished to be in a situation to produce it. I could not assist him, and I suppose the newspaper copy will be considered sufficient.

“As soon as this subject was disposed of, Mr. C. observed, that he had requested to see me principally for the purpose of conversing with me privately and extra-officially upon the duty proposed to be laid, in consequence of their late blockading orders, upon cotton intended for re-exportation to enemy ports upon the continent. The very few occasional remarks which I had made upon this subject at our last interview, (already mentioned in my letter of the ult.) had led him to suppose that it was only to this mode of excluding our cotton from France, that the United States would be likely to object. And if their object could be accomplished in another way, the measures would cease to be offensive. Having admitted (what indeed was sufficiently obvious before) that they looked to the intended duty upon cotton, as a complete prohibition—he said, that if it would be more acceptable to the United States that the form of the proceeding

should be changed, so as to leave the exclusion of cotton from the Continent to the mere effect of the blockade, their desire to consult the feelings and wishes, in whatever did not entirely counteract the great end of the measure, would dispose them to adopt such a modification of their plan. In the course of his explanations upon this point, he introduced professions of good-will towards our Country, of regret that France had imposed upon them the necessity of resorting to a step which might be supposed to press with severity upon our interest, and of an anxious desire that a return to a system of equity and moderation on the part of her enemies, would speedily enable Great Britain to abandon (as she would in that case certainly do) the whole of the recent Orders in Council. He stated, that it was peculiarly important towards the first effect of the orders, (of which it was the object to compel France to relieve the commerce of the world from the oppression of her late decrees,) that considerable supplies of cotton should not be introduced into the Continent—that it had been hoped and believed, that the United States would not receive harsh or unfriendly, a constrained attempt by Great Britain to prevent such supplies from being received by the other parties to the war, especially as it was certain that Great Britain could herself consume the whole of the cotton which we were in the habit of sending abroad, and that they had preferred the imposition of a duty upon cotton to a direct prohibition through the operation of the blockade, because it was consistest with those various and extensive modifications of the blockade to which they had been led, not merely by views of advantage to themselves, but by respect for the convenience and feelings of other nations, and particularly of America. In fine, he wished to know my private opinion, before the subject came before the Parliament, whether an alteration in this respect from a prohibitory duty to an absolute interdict, would be likely to be acceptable to us. I replied in as conciliatory a manner as I could, that as soon as I had understood that a duty was to be proposed on re-exported cotton, I had been disposed to take for granted that the object was not revenue but prohibition.



" That whether the object were the one or the other, it was, as he knew, my opinion that the United States would hold that object, as well as the means and the whole system connected with them, to be utterly inadmissible, and that I did not feel myself authorized to say, to which of the causes he had suggested, my government would give the preference, or that it would feel any preference for either. Mr. C. at length asked me, if I should think it worth while to consult my government on this subject, observing at the same time, that he would not *wish it to be done if there was the least danger of giving offence, and assuring me that what he had said, proceeded from motives the most amicable and respectful towards us.* He added, that upon reflection this would be the most convenient mode, as it would now give them a good deal of trouble to accommodate their plan, as prepared for Parliament, to a change of so much importance in season to be acted upon.

" I answered in substance, (as I saw it was his wish) that I could mention what had passed to you. And that I did not doubt, that the motives of his proposal, whatever might be thought of the proposal itself, would be acceptable to the President:—He requested me to say to you, that although the necessary bills would be proposed, and would pass in Parliament, according to their first project of duty, yet that the alteration above suggested would be adopted, whenever it should be known that it would be agreeable to us.

" I must not trouble you with any reflections upon this conversation, but it is my duty to say, that although Mr. C.'s manner was extremely conciliatory, not a word escaped him to encourage a hope, that the orders in Council would be in any degree abandoned, or that I should gain any thing by urging a re-consideration of them. I threw out some intimations with that tendency, but soon perceived that it could not be useful to follow them up. I have the honour to be, &c."

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The following letter from Mr. Pinckney to Mr. Madison is exceedingly favourable as to the views of the British Cabinet,

and their wishes to preserve a good understanding with the United States.

Mr. Canning received our embargo, it seems, with great apparent satisfaction, and expressed the most friendly disposition towards the United States, and in the explanations which our minister asked of him in that interview, as to the doubtful parts of their orders, Mr. Canning replied, "that it was their *sincere* wish to shew in every thing connected with the orders in Council, which necessity only compelled them to adopt, their *anxiety* to accommodate them to the *feelings and interest* of the American government."

Compare this with the contemptuous silence of Bonaparte, and Mr. Armstrong's declaration, that further solicitation would be injurious.

*A letter from Mr. Pinckney to Mr. Madison.*

LONDON, JANUARY 26th, 1808.

"SIR—I had the honour to receive this morning your letter of the 23d of last month, enclosing a copy of a message from the President to Congress, and of their act in pursuance of it, laying an embargo on our vessels and exports. It appeared to be my duty to lose no time in giving such explanations to the British government, of this *wise and salutary measure*, as your LETTER suggests. And accordingly I went to Downing-street immediately, and had a short conference with Mr. Canning, who received my explanations with great apparent satisfaction, and took occasion to express the most friendly disposition towards our country. I availed myself of this opportunity, to mention a subject of some importance, connected with the late orders in Council.

"I had been told, that American vessels coming into British ports under warning, could not obtain any document to enable them to return to the United States, in the event of its being found imprudent, either to deposit their cargoes, or to resume their original voyages, although they are not prohibited from returning, yet as the warning is indorsed on their papers, the re-

turn may be hazardous, without some British documents to prove compliance with it, and give security to the voyage. Mr. C. took a note of what I said, and assured me that whatever was necessary to give the facility in question, would be done without delay; and he added, that it was their sincere wish to shew, in every thing connected with the orders in Council, which *only necessity had compelled them* to adopt, their anxiety to accommodate them, as far as was consistent with their object, to the feelings and interest of the American government and people. I was induced by these observations to mention and to make several strong remarks upon the duty intended to be imposed on our cotton when re-exported to the continent, and the adherence to the determination not to allow to our vessels, warned into British ports, any change of destination. He told me that these subjects (with which, however, it was evident he was very little acquainted) should be taken into immediate consideration, and that he would let me know the result. I am to have another interview with him in the course of a few days."

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THE letter from Mr. Pinckney, which we now present to our readers, is worthy of all their attention, and will excite the most serious and alarming reflections.

It may be considered as the grand clue to all the conduct of our administration, during the important and interesting session which is now about to close. In order to understand correctly, and to weigh with judgment, the opinions of Mr. Pinckney, it may be useful to state his character, and his political situation, as well as the particular motives, which influenced him to take the extraordinary and untenable ground, which he has assumed in this letter.

Mr. Pinckney was originally a federalist, educated under the patronage of Judge Chase, and first brought into notice under the administration of Washington. In the office of Commissioner under the British treaty, in which he acted in conjunction with Mr. Gore, he was so far from holding the opinions of the present administration, that he was rather opposed to Mr. Gore and Col. Trumbull, on one of the most

important questions which came before the board; the question of the Colonial Trade. Before the commission had been entirely fulfilled, Mr. Pinckney betrayed some strong symptoms of a change of politics, and on his return to Maryland, he discovered such unequivocal marks of disaffection to his old friends and principles, that Mr. Jefferson was induced to nominate him to his present important office. Any man who has noticed the course and conduct of political men, must have remarked, that *new* converts always manifest a zeal; proportioned to the diffidence and distrust which would, and which does, naturally arise, with respect to those who suddenly change their political opinions. Our republic, though in its infancy, has exhibited many striking examples of this nature.

In the course of the late interesting correspondence with G. Britain, the whole public and private conduct of Mr. Pinckney evinces a fixed determination to retain his place; to humour and flatter the destructive whims and notions of the present Administration.

In no instance has this spirit been more strikingly exhibited than in the following letter.

Mr. Pinckney had learned that the unexpected and astonishing change in Portugal and Spain, had excited a great and honourable sensibility in this country, and that our people, yielding to the influence of these generous feelings, which perfectly coincided not only with their *own* immediate interests but with the public welfare, were extremely urgent to have the intercourse with Portugal and Spain opened.

Mr. Pinckney, reasoning rather like a French Minister, than an American Representative, with his eyes open *only* to the effects which such a proper and noble measure would have on France, rather than its operation on our own interests, or the dictates of generous sympathy, combats with great zeal the policy of opening our intercourse with these two gallant nations, who were struggling for their freedom.

The *SUBSTANCE*, and indeed the only argument of weight urged by him, is the danger of a rupture with France. To avoid this (in *his mind*) greatest calamity, we are now to forego our own *rights and advantages*, we are to be told towards these assertors of the rights of mankind, and we are to throw ourselves into the humble train of the vassals of France.

Mr. Pinckney, after stating that it would be more agreeable to France that we should take off the Embargo wholly,

or even take it off as to Great Britain alone, rather than remove it as to Spain and Portugal, proceeds to eulogize the *Embargo* at large, to praise the wisdom and energy of that measure, which all intelligent men have now abandoned.

That Mr. Pinckney should be disposed to frame his letter so as to favour the views of the Administration will not be surprising to any man who knows the circumstances of his appointment.

Still, however, TRUTH, always unchangeable, and indeed almost omnipotent, enables us to triumph over these well-concerted diplomatic manœuvres.

Mr. Pinckney was sent to Europe as Envoy Extraordinary with Mr. Munroe, in order to negotiate a Treaty. They effected the object of their mission, and in a manner so satisfactory, that they declared to Mr. Jefferson, and Mr. Jefferson stated to Congress, that "ALL the points in dispute were satisfactorily adjusted."

The interest of France however forbade the ratification of this Treaty, and the pretended FRIEND of the people, Mr. Jefferson, ventured to do what Washington never did, nor would have dared to have done, he REJECTED this solemn and advantageous Treaty on his own mere authority and opinion, without submitting it to the Senate.

Mr. Pinckney's powers ceased on the signing this Treaty, and when Mr. Munroe left England, he remained there not as an *accredited Minister*, but a mere *Charge des Affaires*, or Agent for Mr. Munroe. It was then necessary to appoint a new Minister, or clothe Mr. Pinckney with powers.

In Feb. 1808, Mr. Jefferson nominated him *merely as a form*, and Gen. Bradley, and all the friends of the President in the Senate, were instructed, that the appointment was to be negatived, in order to relieve the President from the odium and responsibility of removing a man appointed by himself.

Gen. Bradley went so far as to move an inquiry into the manner in which he had executed his office; and obeyed his instructions, with a view to negative the nomination.

In the interim, a letter was received from Mr. Pinckney, so fully supporting the views, the whims, and destructive notions of the Cabinet, so replete with prejudice and abuse against Great Britain, that the President's friends shamelessly withdrew their objections and inquiries, without any avowed reason, and assented to the appointment of a man whom they found quite suppliant enough, and sufficiently *hostile* to the

government to which he was agent, to be safely trusted. They knew that in such hands there was no danger of a good understanding or amicable settlement with Great Britain, which of all things they most dreaded.

We have too high an opinion of Mr. Pinckney's talents to believe these opinions to arise from any thing, but a desire to please his patrons. They were the expected returns for his public honours and emoluments. They were a necessary sacrifice for the reputation of his patrons.

Will any man, acquainted with the state of Great Britain, believe him, when he tells us the Embargo is deeply felt in that country; that their wheat crop had failed, or was *alarmingly short*? Our mercantile men know better. We know that the embargo produces no political effect in G. Britain, but that the first operation was the most considerable. The anticipation was more serious than the reality, and every day, while it lessens the effect, diminishes the apprehension. In short, we should be obliged to let Mr. Pinckney down to a low niche in the scale of understanding, if we could not find a refuge for him, in his desire to please his political patrons.

*Extract of a private letter from Mr. Pinckney to Mr. Madison.*

LONDON, SEPTEMBER 21, 1808.

"THE Hope arrived at Cowes from France, the 13th.

"Not having heard from Mr. Canning, although he returned to London the 16th, I called again yesterday at Downing Street, and was assured that the answer to my note would be sent to night or early to-morrow morning. Mr. Atwater will of course be able to leave town on Friday, and embark on Saturday with a copy of it.

"I have been told, since the arrival of the last British Packet, (but do not believe it,) that there is more probability than I had anticipated, that the late events in Spain and Portugal, (which ought not to be considered as deciding any thing,) will have an effect on public opinion in America against the continuance of the embargo, and favourable to all the purposes of Great Britain. If this were true, I should think it was deeply to be lamented. I may

misunderstand the subject, but I cannot persuade myself that any thing that has happened on this side the Atlantic ought to induce us in any degree to retreat from our present system. If we should resolve to trade with Spain and Portugal, (Great Britain and France persisting in their orders and decrees,) in any way to which Great Britain would not object, we must suspend the embargo as to those Countries only, or as to those Countries and *Great Britain*, or we must repeal it altogether. The temptation to the first of these courses is, even in a commercial sense, inconsiderable—the objection to it endless. The object to be gained (if no more was gained than ought to be gained) would be trifling. There could indeed be no gain. An inadequate market redundantly supplied, would be more injurious than no market at all—it would be a lure to destruction and nothing more. A suspension of the embargo so limited in its nature as this would be, (supposing it could be in fact what it could be in form,) would have a most unequal and invidious operation in the different quarters of the Union, of which the various commodities would not in the ports of Portugal and Spain be in equal demand. A war with France would be inevitable—and such a war (so produced) from which we could not hope to derive either honour or advantage, would place us at the mercy of Great Britain, and on that account would, in the end, do more to cripple and humble us, than any disaster that could otherwise befall us. The actual state of Spain and Portugal is moreover not to be relied upon. My first opinion on that subject remains. But even the most sanguine will admit, that there is great room to doubt. The Emperor of France is evidently collecting a mighty force for the reduction of Spain, and Portugal must share its fate. And even if that force should be destined (as some suppose) first to contend with Austria—the speedy subjugation of Spain is not the less certain. If France should succeed—Spain and Portugal would again fall under the British Orders of Nov. as well as under the operation of the French Decrees. Our cargoes would scarcely have found their way to the ocean in search of the boasted market, before they would be once more in a state of prohibition, and we should in the mean time have incurred the scandal of suffering

an improvident thirst of gain to seduce us from our principles into a dilemma presenting no alternative but loss in all the senses of the word.

“ But it is not even certain, what Great Britain would herself finally say to such a partial suspension of the Embargo. She would doubtless at first approve of it. But her ultimate course (especially if war between France and the United States were not the immediate consequence, or if the measure were eventually less beneficial to herself than might be supposed at the outset), ought not to be trusted. That she should approve at first, is hardly to be questioned, and the considerations upon which she would do so, are precisely those which should dissuade us from it. Some of these are—the aid it would afford to her allies, as well as to her own troops co-operating with them, and its consequent tendency to destroy every thing like system in our conduct—its tendency to embroil us with France, its tendency to induce us, by overstocking a limited market, to make our commodities of no value—to dissipate our capital—to ruin our merchants without benefiting our agriculture—to destroy our infant manufactures without benefiting our commerce—its tendency to habituate us to a trammelled trade, and to fit us for acquiescence in a maritime despotism. But there are other reasons—our trade with Spain and Portugal, while it lasted, would be a circuitous one with *Great Britain and her Colonies*, for their benefit. Our productions would be carried in the first instance to Spain and Portugal, would be brought there for British account, and would find their way to the West Indies, or enter here, as British convenience might require, and thus in effect the embargo be removed as to Great Britain, while it continued as to France, and we professed to continue it as to both. And if any profits should arise from this *sordid traffic*, they would become a fund, to enable us to import into the United States directly or indirectly the manufactures of Great Britain, and thus relieve her in another way, while her orders would prevent us from receiving the commodities of her enemy. *It would be far better openly to take off the embargo as to Great Britain, than while affecting to continue it as to that power, to do what must rescue her com-*



pletely (and that, too without advantage to ourselves) from the pressure of it, at the same time that it would promote her views against France, in Portugal and Spain.

“As to withdrawing the embargo as to Great Britain, as well as Spain and Portugal, while the British orders are unrepealed, the objections to that course are just as strong *now* as they were *four months ago*. The change in Spain and Portugal (if it were even likely to last) cannot touch the principle of the Embargo, as regards Great Britain, who reasserts her orders of November, in the very explanations of the 4th July, under which we must trade with those countries, if we trade with them at all. If we include Great Britain in the suspension, and exclude France, we do now what we have declined to do before, for the sake of a delusive commerce, which may perish before it can be enjoyed, and cannot in any event be enjoyed with credit, with advantage, or even with safety. We take part at once with Great Britain against France, at a time the least suited that could be imagined to such a determination, at a time when it might be said we were emboldened by French reverses, to do what before we could not resolve upon, or even tempted by a prospect of a scanty profit, exaggerated by our cupidity and impatience to forget what was due to consistency, to character, and permanent prosperity. We sanction too the maritime pretensions which insult and injure us; we throw ourselves, bound hand and foot, upon the generosity of a government that has hitherto refused us justice, and all this when the affair of the Chesapeake, and a host of other wrongs, are unredressed, and when Great Britain has just rejected an overture which she must have accepted with eagerness if her views were not such as it became us to suspect and guard against.—To repeal the embargo altogether would be preferable to either of the other courses, but would notwithstanding be so fatal to us in all respects, that we should long feel the wound it would inflict, unless indeed some other expedient\*, as strong at least and as efficacious in *all us*

\* This strong measure, equally efficacious, is the present Non-Inter-  
course, proposed by Mr. Giles. We see how exactly the advice of this

bearings, can (as I fear it cannot) be substituted in its place. War would seem to be the unavoidable result of such a step. If our commerce should not flourish in consequence of this measure, nothing would be gained by it but dishonour. And how it could be carried on to any valuable purpose it would be difficult to shew. If our commerce *should* flourish in spite of French and British edicts, and the miserable state of the world in spite of war with France, if that should happen, it would, I doubt not, be assailed in some other form. The spirit of monopoly has seized the people and government of this Country. We shall not under any circumstances be tolerated as Rivals in navigation and trade—it is in vain to hope that Great Britain will voluntarily foster the naval means of the United States. All her prejudices—all her calculations are against it. Even as Allies we should be subjects of jealousy. It would be endless to enumerate in detail the evils which would cling to us in this new career of vassalage and meanness, and tedious to pursue our backward course to the extinction of that very trade to which we had sacrificed every thing else.

“ On the other hand, if we persevere we must gain our purpose at last. By complying with the little policy of the moment, we shall be lost—By a great and systematic adherence to principle, we shall find the end to our difficulties. The embargo and the loss of our trade are deeply felt here, and will be felt with more severity every day—*The wheat harvest \* is likely to be alarmingly short*, and the state of the Continent will augment the evil. The discontents among their manufacturers are only quieted for the moment by temporary causes. Cotton is rising, and soon will be

“ suppleminister has been followed. We refused to aid Spain and Portugal by taking off the Embargo as to them, and we now adopt his recommendation of a strong substitute.”

\* That the public may judge of Mr. Pinckney's correctness and prejudices, we would observe, that flour or wheat does not exceed its average price in time of war in Great Britain. The truth is, this letter, if not written here, and sent out to be signed by Mr. Pinckney, was designed to forward the views of the President, as to keeping on the Embargo.

scarce. Unfavourable events on the Continent will subdue the temper unfriendly to wisdom and justice, which now prevails here. But above all, the world will, I trust, be convinced that our firmness is not to be shaken. Our measures have not been without effect. They have not been *decisive*, because we have not been thought capable of persevering in self-denial, if that can be called self-denial, which is no more than prudent abstinence from destruction and dishonour.

“ I ought to mention that I have been told by a most respectable American merchant here, that large quantities of such woollen cloths as are prohibited by our non-importation act, have been and continue to be sent to Canada, with the view of being smuggled into the United States.

“ I need not tell you that I am induced to trouble you with my hasty reflections, because I think you stand in need of them. I give them merely because I believe that you are entitled to know the impressions which a public servant on this side of the water receives from a view of our situation.—I have the honour to be, with the sincerest attachment and respect, dear sir, your obedient servant,

(Signed) “ WILLIAM PINCKNEY.”

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## REFLECTIONS

ON THE FOREGOING INTERESTING STATE PAPERS.

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THE importance and interest of the foregoing documents are too obvious to require very elaborate remarks ; but it may be useful to state briefly the inferences which irresistibly present themselves upon reading them.

The first idea, which we cannot keep back even with the most charitable feelings, is the unparalleled duplicity and hypocrisy manifested by our Government, in pretending

to give the People the true state of their Diplomatic Interchange with foreign nations, while facts, *vastly* more important than any heretofore published, were knowingly suppressed.

This Duplicity is enhanced beyond belief, by the knowledge, that while the Government pretended to give some documents as professed extracts, and others as *whole and entire letters*, these latter were in fact as mutilated as the former, and we are now enabled to give the public whole pages which are to be inserted in letters heretofore published as *perfectly* complete.

2dly. That while the Government have been passing resolutions, and adopting, or rather proposing, measures leading to War, while they have called upon the people to *support them* in these MOST SERIOUS measures, and while they have deluded a small part of the citizens into expressions of approbation, and into declarations that *both* the belligerents have given us equal cause of complaint, it turns out that the most interesting facts, the most insulting and injurious conduct of the Emperor of France, have been suppressed, and the most pacific expressions and friendly explanations of Great Britain have been withheld.—With what views let the public decide.

3dly. That General Armstrong, our Minister at Paris, advised, and long ago expected, measures of resistance and hostility to France—that he declared, that we were considered a WORDY and WINDY nation, which did not dare proceed beyond *resolutions*, and that our Embargo was wholly ineffectual as to its objects.

Lastly. It is apparent, that if our people have been so roused, so convinced of the partiality and hypocrisy of the Administration in consequence of the Glimmering of light which was permitted to escape through the mutilated dispatches before published, through the speeches of our patriotic members of Congress, and the Commentaries upon the public Documents heretofore given to the public, their Indignation could hardly have been restrained, if this whole irresistible torrent of light had been at once darted forth upon their astonished and affrighted minds.

In addition to the evidence thus reluctantly extorted and finally obtained without the consent of the Administration, of their devotion to France, the whole correspondence proves beyond a question, that Mr. Armstrong was never in the confidence of Mr. Jefferson—that he never entered into his views

perfectly, and that the real intercourse has been carried on either through Monsieur Turreau, or some private confidential agent. The sending out Mr. Coles, the President's private Secretary, is very strong corroborative evidence of what the documents themselves would lead us almost necessarily to presume.

One single reflection will occur to every thinking and considerate man, that if our exertions to resist the corrupt and destructive course of administration were heretofore thought necessary, the present documents prove them to be doubly important. If those exertions have been heretofore crowned with signal success, we ought not to doubt that our reward will in future be not less abundant or satisfactory.

*The following Letters relate so immediately to the  
Subjects discussed in the preceding Pages, that  
they are added as an*

## APPENDIX TO THEM.

*Papers presented to the House of Commons by Mr. Secretary Canning,  
relating to America, viz.*

- No. 1.—COPY of a Dispatch from Mr. Secretary Canning to the Honourable D. M. Erskine; dated Foreign Office, 23d January 1809.
- No. 2.—Copy of a Letter from the Honourable D. M. Erskine, to the Honourable Robert Smith; dated Washington, April 17th, 1809.
- No. 3.—Copy of a Letter from the Honourable Robert Smith, to the Honourable D. M. Erskine; dated Department of State, 17th April 1809.
- No. 4.—Copy of a Letter from the Honourable D. M. Erskine, to the Honourable Robert Smith; dated Washington, April 18th, 1809.
- No. 5.—Copy of a Letter from the Honourable Robert Smith, to the Honourable D. M. Erskine; dated Department of State, April 18th, 1809.
- No. 6.—Copy of a Letter from the Honourable D. M. Erskine, to the Honourable Robert Smith; dated Washington, 19th April 1809.
- No. 7.—Copy of a Letter from the Honourable Robert Smith, to the Honourable D. M. Erskine; dated Department of State, April 19th 1809.

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*Ordered, by The House of Commons, to be printed, 2d June 1809.*

## No. 1.

*Copy of a Dispatch from Mr. Secretary Canning, to the Honourable  
D. M. Erskine ;—dated*

FOREIGN OFFICE, 23d JAN. 1809.

SIR, •

IF there really exist in those individuals who are to have a leading share in the new Administration of the United States, that disposition to come to a complete and cordial understanding with Great Britain, of which you have received from them such positive assurances ; in meeting that disposition, it would be useless and unprofitable to recur to a recapitulation of the causes from which the differences between the two Governments have arisen, or of the arguments already so often repeated in support of that system of retaliation to which His Majesty has unwillingly had recourse.

That system His Majesty must unquestionably continue to maintain, unless the object of it can be otherwise accomplished.

But after the profession on the part of so many of the leading Members of the Government of the United States, of a sincere desire to contribute to that object in a manner which should render the continuance of the system adopted by the British Government unnecessary, it is thought right that a fair opportunity should be afforded to the American Government to explain its meaning, and to give proof of its sincerity.

The extension of the interdiction of the American Harbours to the ships of war of France as well as of Great Britain, is, as stated in my former dispatch, an acceptable symptom of a system of impartiality towards both Belligerents; the first that has been publicly manifested by the American Government.

The like extension of the Non-importation Act to other Belligerents is equally proper in this view. These measures remove those preliminary objections, which must otherwise have precluded any useful or amicable discussion.

In this state of things, it is possible for Great Britain to entertain

propositions, which, while such manifest partiality was shewn to her enemies, were not consistent either with Her dignity or Her interest.

From the report of your conversations with Mr. Madison, Mr. Gallatin, and Mr. Smith, it appears ;—

1st.—That the American Government is prepared, in the event of His Majesty's consenting to withdraw the Orders in Council of January and November 1807, to withdraw contemporaneously on its part the interdiction of its Harbours to ships of war, and all Non-intercourse and Non-importation Acts, so far as respects Great Britain; leaving them in force with respect to France, and the Powers which adopt or act under her Decrees ;—

2dly. (What is of the utmost importance, as precluding a new source of misunderstanding, which might arise after the adjustment of the other questions), That America is willing to renounce, during the present War, the pretension of carrying on in time of War all trade with the enemy's Colonies, from which she was excluded during Peace ;—

3dly. Great Britain, for the purpose of securing the operation of the Embargo, and of the *bonâ fide* intention of America to prevent her Citizens from trading with France, and the powers adopting and acting under the French decrees, is to be considered as being at liberty to capture all such American vessels as may be found attempting to trade with the ports of any of these powers; without which security for the observance of the Embargo, the raising it nominally with respect to Great Britain alone, would, in fact, raise it with respect to all the world.

On these conditions His Majesty would consent to withdraw the Orders in Council of January and November 1807, so far as respects America.

As the first and second of these conditions are the suggestions of the persons in authority in America to you, and as Mr. Pinckney has recently (but for the first time) expressed to me his opinion, that there will be no indisposition on the part of his Government to the enforcement by the Naval Power of Great Britain of the regulations of America with respect to France, and



the countries to which these regulations continue to apply, but that his Government was itself aware, that without such enforcement those regulations must be altogether nugatory; I flatter myself that there will be no difficulty in obtaining a distinct and official recognition of these conditions from the American Government.

For this purpose you are at liberty to communicate this dispatch *in extenso* to the American Secretary of State.

Upon receiving through you, on the part of the American Government, a distinct and official recognition of the three above-mentioned conditions, His Majesty will lose no time in sending to America a Minister fully empowered to consign them to a formal and regular Treaty.

As, however, it is possible that the delay which must intervene before the actual conclusion of a Treaty may appear to the American Government to deprive this arrangement of part of its benefits, I am to authorize you, if the American Government should be desirous of acting upon the agreement before it is reduced into a regular form, (either by the immediate repeal of the Embargo, and the other Acts in question, or by engaging to repeal them on a particular day) to assure the American Government of His Majesty's readiness to meet such a disposition in the manner best calculated to give it immediate effect.

Upon the receipt here of an official Note, containing an engagement for the adoption by the American Government of the three conditions above specified, His Majesty will be prepared, on the faith of such engagement, either immediately (if the repeal shall have been immediate in America) or on any day specified by the American Government for that repeal, reciprocally to recall the Orders in Council, without waiting for the conclusion of the Treaty; and you are authorized, in the circumstances herein described, to take such reciprocal engagement on His Majesty's behalf.

I am, &c.

(Signed)

GEORGE CANNING.

## No. 2.

*Copy of a Note from Mr. Erskine to the Secretary of State of the United States;—dated*

WASHINGTON, APRIL 17th 1809.

SIR,

I HAVE the honour to inform you, that I have received His Majesty's commands to represent to the Government of the United States, that His Majesty is animated by the most sincere desire for an adjustment of the differences which have unhappily so long prevailed between the two countries, the recapitulation of which might have a tendency to impede, if not to prevent, an amicable understanding.

It having been represented to His Majesty's Government, that the Congress of the United States, in their proceedings at the opening of the last Session, had evinced an intention of passing certain laws which would place the relations of Great Britain with the United States upon an equal footing, in all respects, with the other Belligerent Powers, I have accordingly received His Majesty's commands, in the event of such laws taking place, to offer on the part of His Majesty an honourable reparation for the aggression committed by a British naval officer in the attack on the United States frigate, Chesapeake.

Considering the act passed by the Congress of the United States, on the first of March (usually termed the Non-intercourse Act) as having produced a state of equality in the relations of the two Belligerent Powers with respect to the United States, I have to submit, conformably to my instructions, for the consideration of the American Government, such terms of satisfaction and reparation as His Majesty is induced to believe will be accepted in the same spirit of conciliation with which they are proposed.

In addition to the prompt disavowal made by His Majesty, on being apprised of the unauthorized act committed by his naval officer, whose recal, as a mark of the King's displeasure, from an highly important and honourable command, immediately ensued,

His Majesty is willing to restore the men forcibly taken out of the Chesapeake, and, if acceptable to the American Government, to make a suitable provision for the unfortunate sufferers on that occasion.

I have the honour to be, &c.

(Signed) D. M. ERSKINE.

### No. 3.

*Copy of a Letter from the Secretary of State of the United States to the Honourable D. M. Erskine; dated*

DEPARTMENT OF STATE, APRIL 17th, 1809.

SIR,

I HAVE laid before the President your note, in which you have, in the name and by order of His Britannic Majesty, declared, that His Britannic Majesty is desirous of making an honourable reparation for the aggression committed by a British naval officer in the attack on the United States frigate, the Chesapeake; that in addition to this prompt disavowal of the act, His Majesty, as a mark of his displeasure, did immediately recal the offending officer from an highly important and honourable command; and that He is willing to restore the men forcibly taken out of the Chesapeake, and, if acceptable to the American government, to make a suitable provision for the unfortunate sufferers on that occasion.

The government of the United States having, at all times, entertained a sincere desire for an adjustment of the differences which have so long and so unhappily subsisted between the two countries, the President cannot but receive with pleasure, assurances that His Britannic Majesty is actuated by the same disposition, and that he is ready, in conformity to this disposition, to make

atonement for the insult and aggression committed by one of His naval officers, in the attack on the United States frigate, the Chesapeake.

As it appears at the same time, that in making this offer, His Britannic Majesty derives a motive from the equality now existing in the relations of the United States with the two Belligerent Powers, the President owes it to the occasion, and to himself, to let it be understood, that this equality is a result incident to a state of things growing out of distinct considerations.

With this explanation, as requisite as it is frank, I am authorized to inform you, that the President accepts the note delivered by you, in the name and by the order of His Britannic Majesty; and will consider the same with the engagement therein, when fulfilled, as a satisfaction for the insult and injury of which he has complained.—But I have it in express charge from the President to state, that, while he forbears to insist on a further punishment of the offending officer, he is not the less sensible of the justice and utility of such an example, nor the less persuaded that it would best comport with what is due from His Britannic Majesty to his own honour.

I have, &c. &c.

(Signed) R. SMITH.

*The Honourable David Montague Erskine, &c. &c*

## No. 4.

*Copy of a Letter from Mr. Erskine to Mr. Smith;—dated*

WASHINGTON, APRIL 18th, 1809.

SIR,

I HAVE the honour of informing you, that His Majesty having been persuaded that the honourable reparation which he had caused to be tendered for the unauthorized attack on the American

frigate Chesapeake would be accepted by the Government of the United States in the same spirit of conciliation with which it was proposed, has instructed me to express His satisfaction should such a happy termination of that affair take place, not only as having removed a painful cause of difference, but as affording a fair prospect of a complete and cordial understanding being established between the two countries.

The favourable change in the relations of His Majesty with the United States, which has been produced by the act, (usually termed the Non-intercourse Act) passed in the last Session of Congress, was also anticipated by His Majesty, and has encouraged a further hope that a reconsideration of existing differences might lead to their satisfactory adjustment.

On these grounds and expectations I am instructed to communicate to the American Government, His Majesty's determination of sending to the United States an envoy invested with full powers to conclude a treaty on all the points of the relations between the two countries.

In the mean time, with a view to contribute to the attainment of so desirable an object, His Majesty would be willing to withdraw His Orders in Council of January and November 1807, so far as respects the United States, in the persuasion that the President would issue a proclamation for the renewal of the intercourse with Great Britain; and that whatever difference of opinion should arise in the interpretation of the terms of such an agreement, will be removed in the present negotiation.

I have the honour to be, &c.

(Signed)

D. M. ERSKINE.

*The Honourable Robert Smith.*

ADDRESSED TO  
**THE PEOPLE**  
OF THE  
**UNITED STATES OF AMERICA,**  
ON THE CONDUCT OF THE  
PAST AND PRESENT ADMINISTRATIONS  
OF THE  
AMERICAN GOVERNMENT,  
TOWARDS  
**GREAT BRITAIN AND FRANCE.**

BY COLONEL TIMOTHY PICKERING,  
FORMERLY SECRETARY OF STATE TO THE GOVERNMENT OF THE  
UNITED STATES.

AMERICA PRINTED:

LONDON:

REPRINTED FOR LONGMAN, HURST, REES, ORME, AND BROWN,  
PATERNOSTER-ROW.



**COLONEL PICKERING,**  
**TO THE**  
**PEOPLE OF THE UNITED STATES.**

**INTRODUCTION.**

**LETTER I.**

**FELLOW CITIZENS,**

**BEFORE I** present to you a view of the past and present condition of our country, and exhibit the characters of men who have produced, or greatly influenced that condition, it is proper that I should place before you a plain representation of my own. For you ought to be satisfied, that the writer who asks your attention, possessed the means of acquiring an adequate knowledge of his subject, and integrity to present it with truth.

My name has for so many years been the theme of reproach with my enemies, and their publications having been in fact, though not in form addressed to



you, as the proper tribunal to decide on the merit or demerit of my conduct in public life, justice would require that, prior to a final judgment, I should be heard in my own defence. This right, however, I should waive, were my personal interest or reputation alone at stake. Content with the esteem of men of the first distinction among my countrymen, for their discernment, virtue and patriotism, and with an approving conscience, I would not again, on my own account, take the trouble to repel the slanders with which ~~base~~ men continue to assail me. As it regards myself, these libellers miss their aim—Far from wounding my feelings, their malevolent reproaches bear witness that I am not destitute of merit. The unwearied, malignant efforts of these men to destroy my reputation, demonstrate that the truths I have heretofore exhibited, have annoyed them and their employers; while, perhaps, they anticipate a display of more truths, the proper effects of which, by reviving their slanders, they may hope to defeat.

Indeed, fellow citizens, I have gone but a little way, in spreading before you the errors of your rulers; would to GOD, that they were chargeable with no more than errors. Certain it is, they have plunged our country into a state of degradation and disgrace, and brought upon it calamities never before experienced. It is time they were stripped of their disguises, and exhibited in their naked characters to your view. This is one great object in my present undertaking. For no hope can be entertained of an advantageous change in the condition of our country, until you shall be convinced that the leaders of the party, which for ten years past have governed it, are not worthy of your confidence—I embark in it with reluctance—because to say nothing of the

time and labour I must bestow upon it, in exposing them, I shall unavoidably expose the nakedness of my country; when, if compatible with truth, I would infinitely rather speak the praises of both. But to authorise even a distant hope of producing general conviction, plain truths, however mortifying, must be told; and the belief of them can alone rescue our country from impending ruin. Perhaps for entertaining this apparently forlorn hope, I may be charged with vanity. But if truth is, before hand, to be presumed unavailing, why then the cause of our country is to be given up in despair. But until ruin actually overwhelms us, I will not despair.

In the prosecution of this work, I will present to you faithful pictures drawn from the life—from the words and actions of men. I will lay before you facts. And where the nature of the case renders facts unattainable, I will state the circumstances which furnish the ground of rational belief. And because the unexampled state of things demands that facts which are the basis of my address, should be presented to your consideration, with whatever weight the testimony of a known witness can impart, and believing my statements to be true, and my reasoning just, I shall subscribe them with my proper name. Should there be any errors, they will be unintentional; and when fairly exhibited, as frankly confessed.

I am aware that I shall draw upon myself a host of slanderers, who from all quarters will fall upon me without mercy. They, destitute alike of facts and arguments, will impudently pronounce my statements to be untrue, my reasoning false, and my cha-

yield to their bold assertions without evidence, my labour will be lost. But, my fellow citizens, it is for *you* that I expose myself to all this persecution ; to the ill-will, the hatred and the vengeance of the men whose arts, intrigues and deceptions I must necessarily lay open. For *your own sake* then, I entreat you to give me a patient hearing. If my story be long, so is the series of your wrongs. And these you have suffered, not for *your* ultimate advantage, but that *your leaders, pretended patriots, might obtain and hold power and place and the emoluments of office.*—Yes, my fellow citizens, to their ambition, avarice, envy and revenge, your great interests and the honour of our country have been sacrificed.

If in executing the arduous work I have undertaken, I shall sometimes use words of a coarse texture, I beg every reader to be assured, that these will be introduced not from choice, but necessity ; the more distinctly to exhibit the characters of the persons and things intended to be described. Moral, like natural deformities, require their appropriate traits and colours.\*

TIMOTHY PICKERING.

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## LETTER II.

FELLOW CITIZENS,

SEEING that the requisite investigation of numerous facts, scattered through a long space of years, will require much time and labour, and con-

sions thence resulting, be at a distance: it is fit that at the outset I should inform you what those conclusions will be—And I entertain no doubt of shewing them to be as correct as they are interesting. I expect to satisfy you—

1. That in our revolutionary war, the aids afforded by France were small, and covertly given—until by maintaining the war by our own strength, for three years, and capturing a whole British Army, we had rendered our final success certain.

2. That although the French Government at length furnished very considerable aids in men and money, and the co-operation of her navy—yet that all this proceeded from no regard to us, from no desire to promote the interests of the United States; but merely to diminish the formidable power of her rival, Great Britain, by lopping off from her empire, so large a portion of her dominions as the United States.

3. That when, after braving for seven years the dangers and calamities of war, it was drawing to a close: when Great Britain, willing to make peace, sent a minister to Paris, to negotiate with the ministers of the United States, the French government strenuously endeavoured to prevent our obtaining such terms as the dignity and interests of the United States required. That when the French government found one of our ministers too enlightened, too patriotic and inflexibly firm to abandon the interests of his country—when it found that he would not give up the fisheries—the Western Territory (where several of our populous states are bounded,) and the free

navigation of the river Mississippi, then that insidious government actually commenced an intrigue with *our enemy*, with the British government, to accomplish those objects! An intrigue that was defeated by our sagacious, vigilant and faithful minister, operating on the sound policy and returning good-will of Britain—This minister was Mr. Jay. Mr. Adams was then in Holland; but as soon as he reached Paris, he heartily co-operated with Mr. Jay. With these transactions, which hereafter I shall lay before you in detail, not only Mr. Jay and Mr. Adams, but Mr. Jefferson and Mr. Madison are well acquainted.

4. That the people of the United States, knowing that the French government rendered to us important aids in our revolutionary war—but not knowing its treacherous attempts finally to rob us of some of its fairest fruits; and filled with gratitude for those aids (given as we then imagined, with generous magnanimity) felt the sincerest friendship and attachment to France. That these honest prejudices in her favour continued unimpaired, after the French revolution commenced, and our present general government was formed; was eagerly seized on by a few ambitious men, with Mr. Jefferson at their head, as the sure means of ingratiating themselves into your favour; by that means to grasp the whole power of the union; while at the same time, and with the same object in view, they cherished and aggravated against Great Britain the popular resentments and hatreds which the evils of civil war, and the atrocious acts of the British forces in the early period of it, had engendered; forgetting,

or not feeling, the just and magnanimous sentiment in our declaration of independence, "to hold the British, as we hold the rest of mankind, enemies in war, in peace friends."

5. That on these two foundations (your gratitude and friendship to France, and your prejudices and hatred against England) Mr. Jefferson (stealing your hearts by a thousand plausible, but hollow professions of republican simplicity, republican economy, ardent patriotism, and hatred of royalty,) on these two foundations, I say, Mr. Jefferson rose to power; undermining, by all the arts which cunning could devise, and concealed ambition practice, the really republican administration of Washington. It will fall in my way, and it will be one object of these addresses, to delineate the character of Mr. Jefferson as exhibited in his acts and writings, for a series of years, before he mounted the chair of state; and to describe his measures and professions during his eight years presidency. The result, I trust, will be your full conviction of his systematic hypocrisy and duplicity, by means of which you have been beguiled into a warm admiration of the man, and a fatal support of his measures. I trust you will see, that under the plain republican garb, has been concealed inordinate ambition; that in the soft shade of affected mildness and candour, lurked a malignant spirit of intolerance and persecution; that deceit was veiled by plausible professions of sincerity and good faith; that his much talked of economy, was a cover for waste and profusion; and that patriotism itself was assumed for a screen, behind which he contrived schemes, dishonourable to the nation, and pregnant with

ruin : but in which he manifested a disposition and a wish to persevere, although they should end in your destruction.

6. That by the arts above mentioned, Mr. Jefferson having risen to power, he saw they must be continued in order to preserve it ; all however, resting on your unlimited but misplaced confidence in his supposed ability, integrity, and patriotism. Let me, my fellow citizens, call your pointed attention to this matter. It furnishes the *key* to the conduct of your government for the last ten years. Look back, I pray you, and review that period. You will find, that (one article excepted, which I shall hereafter explain) all the subjects of dispute between the United States, and Great Britain, remain unsettled ; while Mr. Jefferson and Mr. Madison have been uttering professions without number of their sincere desire to adjust them ! Will you any longer trust in these professions ? Will you believe that Great Britain, oppressed with the weight of war unexampled in the history of the world, can *choose* to avoid an accommodation with the United States ? When our friendship would be so useful to her, will you believe her even *unwilling* to do us *common justice*, in order to obtain it ? When she has not (the broken remains of Spain and Portugal excepted) one ally in the world, and the nations of Europe, swayed by Bonaparte, are in arms against her—is it possible, think you, for her to be so blind to her *interest*, as to refuse the hand of amity and good will, if really stretched out towards her by the United States ? Can you believe that she would not be willing, even to make some *sacrifices* in order to restore harmony, and a full commercial intercourse between the two countries ?

An impartial observer, ignorant of the arts that have been practised to deceive you, would say, that all this was impossible.

My fellow citizens, upon an investigation you will find that the fault is in your rulers. They are aware, that if by fair and honourable negotiations, all our differences with Great Britain should be adjusted, they would lose a strong hold of their popularity, while they incurred the displeasure (which they so much dread) of Europe's tyrant, and as far as *their* subserviency can make him, *our* haughty and insulting master. Were the disputes with Britain adjusted, they could then no longer excite your fears of being betrayed by the Federalists, as British partizans, or corrupted by British gold. They must then cease to clamour against "the tyrants of the sea (as they call the British)" for exercising what they consider as the belligerent rights by the law of nations, in capturing neutral vessels engaged in commerce contrary to that law, and taking *their own seamen* from your merchant vessels. They must then stop their falsehearted lamentations over impressed American seamen, for whose relief a satisfactory arrangement would then be made. Then too, they would be deprived of the favorite topick of complaint, the outrageous attack on the frigate Chesapeake," for which Great Britain has repeated her endeavours to make satisfaction, but which, I expect to shew you, your own government has frustrated. And then, too, we should hear no more of Mr. Jefferson's prating about "the violated rights of the ocean."

7. I will prove to you that the Embargo, that distinguished curse of our country, was not imposed "to preserve our ships, our merchandize and



our seamen"—that this was a deceitful pretence—and that the deception might not appear, two of the papers communicated as the principal ground of the embargo, were withdrawn by Mr. Jefferson. This covered the affair with mystery, which astonished and confounded the public mind, and induced its acquiescence in the measure; on the presumption that some cause of mighty moment existed to justify so great an evil. These two papers have since been made publick. They will now speak for themselves, and verify what I wrote three years ago that "neither presented any new ground to justify an embargo."

8. I will shew you that the non-intercourse, the half-brother of the embargo, was a measure as foolish and absurd as it was mischievous: and that the injuries and losses produced by it, were wanton sacrifices to the pitiful pride of our government, unwilling to acknowledge its error and improvidence (and in the knowing ones the deception) in laying the embargo; for which the non-intercourse was a substitute, a *staging* to break the fall from the embargo to nothing.

9. To give a just view of the French government in its relation to the United States, I will examine its conduct from an early period of the French revolution; the piracies and enormous spoliations it authorised on our commerce, and its outrages and insults towards our government. I will present to your view the patient forbearance of the federal administrations, and their earnest endeavours to remove every cause of misunderstanding. And when all their efforts proved unavailing, you will be reminded of the energetic measures adopted to vindicate your rights and

maintain the honour and dignity of the nation. This period will embrace the mission of general Pinkney; and afterwards the more solemn embassy of generals Pinkney and Marshall, and Mr. Gerry. The abandonment of this epergetick course will then be considered, and its consequences. The revival of the directorial system of plunder, outrage and insult, might then be brought into full view, with all the aggravations of which Napoleon Bonaparte alone was capable.

10. Forbearing to enumerate many other topics of discussion which will fall in my way as I proceed, I will here only add, that I expect to make it appear that if the measures of our government, so fatal to the national prosperity, have not been taken in concert with France, they have been contrived in subserviency to the views of the imperial tyrant. Otherwise his gross insults heaped upon our government, and even hurled in its face, added to the incalculable injuries to our citizens by his depredations on their property, in piracies and robberies unexampled in the annals of mankind, would not have been borne; but which have been borne with a tameness and submission, that, situated as are the United States, would have disgraced even slaves.

TIMOTHY PICKERING.

## LETTER III.

FELLOW CITIZENS,

IN my last number are stated the principal topics on which I purpose to address you. I have written, as I will continue to write, with a freedom which the times demand; but which the preachers of passive obedience and non-resistance to the measures of government, however oppressive and ruinous, will not fail to condemn. What! they will exclaim, can *he* be a *friend* to his country, who will not stand by its government? Must he not be its *enemy*, the hireling of a foreign nation, who dares to question the rectitude of his own government in its disputes with that foreign nation? Who, for instance, would offer an excuse for the British government, which has caused so many injuries, but a British tory, a British pensioner, a traitor, who had received British gold!

My fellow citizens! Have you been taught to believe that your rulers are incapable of erring? Incapable of injustice to a foreign nation? Incapable of seeking their own interests, and gratifying their ambition at your expence? Incapable of crimes? If so, why in your constitution have you declared them amenable to justice? liable to impeachment and removal from office? to prosecution and punishment in the courts of law? Why was the press, already free, guarded by a special amendment to the constitution? Was this guard provided only that envy, malice, and revenge might with impunity, expose the errors of private citizens, and slander virtue

itself, when not clothed with power! No! History and experience proved that men in office, in places of power and trust, were sometimes unfaithful and corrupt—that it was not always easy to bring them to justice—that sometimes their offences were of a nature to evade the ordinary judicial process—that public shame and disgrace could be their only punishment. The press is free, that any of your fellow citizens may address you on any subject which can affect your interest, honour, safety, and general welfare. The improper, unwise, the unjust acts of the rulers of a nation, may be directly injurious to the citizens, they may also be injurious to foreign nations, and produce dangerous disputes, retaliation and war. When such are the effects or tendencies of their measures, he who sees them has a right, and it is his duty to bring them into public view, for the purpose of public correction. This, right I will use—this duty I will attempt to perform. But another duty first demands my care to vindicate my own character, and exhibit my title to your attention.

I am, fellow citizens, in a singular situation—continually censured and reviled by every unprincipled wretch who prints a newspaper, or by his correspondents equally base; and yet rarely upon any specific charge on which I can come to an issue. In one case, indeed, this was done: I was accused of receiving British gold. At the instance of some of my friends, I consented that the libeller should be prosecuted. He was accordingly indicted, convicted, and punished by fine and imprisonment. His council, (Mr. Jefferson's district attorney in Massachusetts) with a view to mitigate the libeller's punishment, offered to the court a reason which must surprise all those who have formed their opinions of me

from the misrepresentations and lies of democratic prints—"That the fairness of my character was so well known, and my reputation so firmly established, the libel could have done me no injury."—But neither conviction in court—nor at the bar of reason (the tribunal to which, in addressing the People of the United States, I now appeal) can silence my accusers.—"The lies so oft overthrown are renewed"—and they will be repeated while the polluted prints which spread them abroad, receive the patronage of a deceived and abused people.

I have recently been called "a pensioner of Britain," while the accusers, far from attempting to prove it, do not themselves believe it. In the nature of things, it is impossible for any man to prove the negative, that he did not receive a bribe. What then is to be done? Is there such a thing as honesty in the world?—And what can an honest man oppose to such a naked accusation? Will a whole life, passed in the ways of virtue, serve to vindicate his innocence? Let then my unprincipled accusers examine my whole life, private as well as public—let them search diligently—and if they can find one dishonest act, a single departure from truth, one instance of deception, then, my fellow citizens, reject as unworthy of your notice, all the statements and reasoning which I have heretofore addressed, or shall hereafter address to you.

The herd of libellers, your pretended friends, but worst enemies, have the audacity to call me "An Old British Tory!" I am old, for I have lived 65 years. But from the year 1769, to the close of the revolutionary war (a space of 14 years) I was constantly engaged in opposing British taxation, British encroachments on our rights, and British arms.

Until the commencement of that war in 1775, no one person in my native town (Salem) was more actively engaged than I, (as my townsmen who survive to this day well know) in all the measures generally adopted in opposing British claims. After the war had commenced, the government of Massachusetts appointed me to various offices; some of them of no inconsiderable importance. From these I was called by General Washington to the army under his command, which I joined in June, 1777, in the office of adjutant general. In the preceding winter I had marched a regiment of seven hundred men, militia, from the county of Essex, part of a larger force from Massachusetts, all under the command of General Lincoln, to reinforce the main army. This winter campaign terminated at New Jersey, when General Washington's head quarters were at Morristown. In September 1777, was fought the battle of Brandywine; and in October, that of Germantown. In both I was by the general's side, or executing his orders. In the close of 1777, I was appointed by congress, a member of the continental board of war, as were Generals Gates and Mifflin. In this station I served until August, 1780; when, on the resignation of General Greene, I was desired to accept, and I received from congress, the appointment of quarter master general; in which office I continued to the end of the war. In this last period, viz. in 1781, preparations were made for the siege of New York; but the French fleet of co-operation disappointed the commander in chief, by going into Chesapeake Bay. A British army, under the command of Lord Cornwallis, was then at Yorktown in Virginia. To capture this army was now the only object of hope for the residue of the campaign. Having received the

General's orders, I provided for the march of the troops destined for this service, and for the operations of the siege (at which I was present) in what respected my department. The capture of Yorktown and of another British army, in effect, put an end to the war.

What is now the reward of these long continued public services, in *opposition to* Great Britain, and during the war, in the arduous and important offices which I have mentioned? To be pronounced, by foreign renegadoes and home-bred villains, "*An old British Tory.*" And why this reproach? Because I did not join the party, with Mr. Jefferson at its head, which was constantly opposed to president Washington's administration. With that party and my countrymen generally, I rejoiced in the prospect of a free government to be established in France; but I did not shut my eyes to the enormities of the actors in the French revolution. And when afterwards, it became my official duty, in vindication of the conduct, and the honour of our own government and country, to state and display the injustice, the corruption, the outrages, and the insults of the French rulers, and the piracies by them authorized and committed on our commerce, I did not attempt to conceal, to excuse, or make apologies for them. And I dropped some intimations that our debt of gratitude to France, if not cancelled by her atrocious insults and injuries, was much less than Mr. Jefferson and his party wished to have you believe. But I presented things truly, according to my knowledge of facts, and to the best of my ability\*.—Hence I be-

\* The vindication here referred to, was contained in a letter, dated January, 1797, which I wrote by the direction of president

came obnoxious to the party, whose yelpers then set up their cry against me, and have ever since continued to growl and bark.—Let the watch word be given, and the whole pack open upon me, from Maine to Georgia.

But it cannot be concealed, that *I had other rewards* — THE MARKED APPROPRIATION OF THE WISE AND GOOD, to whom personally, or by reputation, my real character was known. And Washington, who first called me to the army, and witnessed my conduct there—Washington, whose pure integrity, and genuine patriotism none dare question, and even by eulogizing whom, now dead, his former enemies endeavour to filch some little share of renown—Washington, when president of the United States, also called me to a series of employments in civil life : in 1791, to the office of post master general, and in January, 1795, to the office of secretary for the department of war. In August, 1795, he charged me also with the department of state, of which in December following I was appointed secretary. Here it is due to myself to remark, that all these important and distinguished offices, military

Washington, to general Pinckney, our minister in Paris. In that letter, the subjects in controversy between the United States and France, were reviewed. It was of this review that chief justice Marshall, in his Life of Washington (vol. v. p. 726) thus expresses his opinion : “ It presented a minute and comprehensive detail of all the points of controversy which had arisen between the two nations, and defended the measures which had been adopted in America, with a clearness and strength of argument believed to be irresistible. To place the subject in a point of view, admitting of no possible misunderstanding, the secretary of state had annexed to his own full and demonstrative reasoning, documents establishing the real fact in each particular case, and the correspondence relating to it.”



and civil, were voluntarily conferred upon me. I never, directly or indirectly, asked for one. If any of my friends solicited them for me, I never knew it.—Having at the close of the year 1801, returned to my native state, the legislature, unsolicited, appointed me, in 1803, one of its senators in congress; in which station I have continued to this time—a period of eight years.

TIMOTHY PICKERING.

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#### LETTER IV.

FELLOW CITIZENS,

ALTHOUGH the unsought appointments to the numerous offices detailed in my last address, will, by all candid men be admitted as strong evidence of my possessing some portion of ability to execute them, and of my fidelity to my country, yet the manner in which I was finally removed from office, having, among the uninformed, excited doubts, it may be necessary for me to clear them away.

I held the office of Secretary of State near five years. In May, 1800, I was dismissed by President Adams. On this dismissal (so little did it excite my sensibility) I should have remained for ever silent, had it not been made a subject of reproach. The dismissal, deprived *me* of no friends; on the contrary, it increased the ardour, and added to the number of those I had before. Of the friends common to both of us, it contributed to produce a general alienation from Mr. Adams.

I knew this gentleman was liable to intemperate passions. I was the subject of a paroxysm of his rage, the afternoon before he sent me notice that I might resign, "wishing *me* to name the day when the resignation should take place." This tempest, however, was not displayed to *me*, but to a friend of mine, a member of Congress, who was going home, and called on Mr. Adams to take leave. To me, who during more than three years, held the office of Secretary of State under him, Mr. Adams once only exhibited any passion; and that on an occasion which furnished no cause for the slightest emotion. It was this: His son John Quincy Adams, in 1794, was appointed Charge d'Affaires or minister resident of the United States at the *Hague*.—Just before General Washington's last presidency expired, he raised John Q. Adams to the highest grade of minister plenipotentiary to the court of Lisbon. But his father soon succeeding to the office of President, he changed the Son's destination from Lisbon to Berlin. He had been commissioned for Lisbon. I had now to make out a new commission. In the draught, I called John Q. Adams, *late minister resident of the United States at the Hague*: doubting whether it would be correct to call him *late minister plenipotentiary of the United States at the court of Lisbon*; seeing that not having gone thither, of course he had not been received in that character. I concluded, however, before a fair copy of the commission should be made, to wait on the president, that he might direct the form of it to be altered if he thought fit. He read on till he came to "late minister resident of the United States at the *Hague*," when he burst into a passion; and with a loud and rapid voice exclaimed, "not late minister resident at the *Hague*, but late

minister plenipotentiary of the United States at the court of Lisbon, to which office he was appointed by General Washington—not by me—and so he shall be called!”—Then lowering his tone, but speaking with earnestness, he added, “I am sorry that my son ever went abroad as a minister: I wish he had staid at home: for there was not a pen in the United States, of which the jacobins were so much afraid as of my son’s.” The father and the son, and these very jacobins, have since shaken hands together.

I have said that Mr. Adams gave me notice that I might resign, and wished me to name the day. This transaction having excited considerable interest, the public curiosity may be gratified by the perusal of our correspondence entire:

“*Philadelphia, May 10, 1800.*

“SIR,

“As I perceive a necessity of introducing a change in the administration of the office of State, I think it proper to make this communication of it to the present Secretary of State, that he may have an opportunity of resigning if he chooses. I should wish the day on which his resignation is to take place to be named by himself. I wish for an answer to this letter on or before Monday morning, because the nomination of a successor must be sent to the Senate as soon as they sit.

“With esteem, I am, sir, your most obedient and humble servant,

JOHN ADAMS.

Honourable Timothy Pickering,  
Secretary of State.”

It required no great sagacity to discover the latent object of this *seemingly* mild proposal. It was the first notice the President gave me of his intentions. Mr. Adams imagined that I would *resign* to avoid the apparent disgrace of a *dismissal*. He wished me to commit *political suicide*, to screen *himself* from the *odium* of being my *executioner*? Preferring a *dismissal* by which I knew it was not in *his* power to *dishonour* me, I sent him the following answer :

## DEPARTMENT OF STATE.

*Philadelphia, Monday morning,  
May 12th, 1800.*

“ SIR,

“ I have to acknowledge the receipt of your letter, dated last Saturday, stating, that ‘ as you perceive a necessity of introducing a change in the administration of the office of State, you think it proper to make this communication of it to the present Secretary of State, that he may have an opportunity of resigning, if he chooses;’ and that ‘ you wish the day on which his resignation is to take place to be named by himself.’ . . .

Several matters of importance in the office, in which my agency will be useful, will require my diligent attention until about the close of the present quarter. I had indeed contemplated a continuance in office until the 4th of March next; when, if Mr. Jefferson were elected President (an event which in your conversation with me last week you considered as certain) I expected to go out of course. An apprehension of that event first led me

to determine not to remove my family this year to the city of Washington; because to establish them there would oblige me to incur an extraordinary expense, which I had not the means of defraying; whereas, by separating myself from my family, and living there eight or nine months, with strict economy, I hoped to meet that expense, should the occasion occur. Or, if I then went out of choice, *that saving* would enable me to subsist my family a few months longer; and perhaps aid me in transporting them into the woods, where I had land, though all wild and unproductive, and where like my first ancestors in New-England, I expected to commence a settlement on *bare creation*. I am happy that I now have this resource: and those, most dear to me, have fortitude enough to look at the scene, without dismay, and even without regret. Nevertheless, after deliberately reflecting on the overture you have been pleased to make to me, I do not feel it my duty to resign.

I have the honour to be,

With great respect, sir,

Your obedient servant,

TIMOTHY PICKERING.

Mr. Adams,

*President of the United States."*

In about an hour after sending this answer to the President, I received the following reply :

*" Philadelphia, May 12, 1800.*

*" SIR,*

*" Divers causes and considerations, essential to the administration of the government, in my judgment,*

requiring a change in the Department of State, you are hereby discharged from any further service as Secretary of State.

JOHN ADAMS,  
President of the United States.

May 12, 1800."

The above reply was in a cover addressed and delivered to me at my office. I was putting the finishing hand to the forms, regulations, and instructions, to be transmitted to the marshals of States and Secretaries of Territories, which I had prepared agreeable to the requisition of the act of Congress, for taking the second census of the United States. As I knew not who was to succeed me, or when a new secretary might take his seat, in order that the public service might sustain no injury, and in legal consideration the fraction of a day not being regarded, I staid in the office until evening to complete that work.

TIMOTHY PICKERING.

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## LETTER V.

FELLOW CITIZENS,

NEARLY eight years elapsed before I took any public notice of my removal from office; and then by constraint; to repel a fresh slander on my character. It was in a letter dated April 22, 1808, to the late Governor Sullivan of Massachusetts; in which I said—"I am reproached for having been

removed from the Office of Secretary of State, on the supposition that this would not have been done but for some sufficient cause, honourable to the President and dishonourable to me. On this I must remark, that I had held the office about a year and a half under General Washington, and three years and two months under President Adams, and until ten months only remained of his own term of office. For what did he remove me? He never told me. Was it for any dishonest or dishonourable act? He will not say it. Was it for British attachments? He will not say it. Was it for my incapacity? If that were the cause, and it be well founded, a statesman of his experience and discernment ought sooner to have made the discovery.

But my fellow 'citizens, when I asked "for what did Mr. Adams remove me?"—I was not ignorant of the immediate cause. I was indeed shocked at the depravity of the man; yet he being then, as now, a private citizen, and never likely to be more, I meant, as it regarded myself, to let him depart in peace. If I have changed my mind it has not been without reason.—Besides his open apostacy from the cause which he had early and warmly espoused and supported, which had given him respectability in the eyes of those who had loaded him with public honours, and finally raised him to the first station in his country; he has, with the temper of an assassin, assailed the character of a man, more wise and more righteous than himself; of a man, whom he hated while living, without daring publicly to reproach him: but whose character now he is dead, he has attempted with all the rancour of envy, with all the virulence of malice, to mangle and defile. This malignity must not pass unavenged. To hold such

baseness up to public scorn and detestation; will coincide with the vindication due, in my own case, to myself, to my family, to my friends and to my country.

My sudden removal from office excited among federalists not a little surprise; and to my fellow citizens generally it appeared as unaccountable as it was unexpected. Various conjectures were formed; but all were erroneous. A junto of democrats were in the secret; but three years elapsed before I was let into it. Federalists ascribed it to the resentment of a man of ungoverned passions, for my opposition to some acts of his administration: and to this opinion I was myself inclined; although the acts to which I refer had passed long before. For I believe Mr. Adams capable of *hoarding up his hatreds, of brooding over them, and at length of bringing them forth with increased malignity*—This spirit he has exemplified in his late atrocious attack on the memory of the deceased Hamilton. And mine, though of comparatively small account, would not have escaped, had I also been numbered with the dead.

To the questions before asked relative to my removal from office, I add one more—"Did Mr. Adams dismiss me for keeping back dispatches?" This has been asserted in some democratic papers; and in congress by Mr. Eppes, son-in-law to the late President Jefferson.

On the 30th of December, 1808, in the House of Representatives, Mr. Eppes commenting on my first letter to Mr. Sullivan, Governor of Massachusetts, concerning the embargo (every statement and even conjecture, in which, subsequent events have justified) thus expressed himself:



“Immediately after the measure (the embargo) was adopted last winter, what takes place, sir?—A man distinguished by the favour of the people, a man advanced in years, *the very man who in 1798 kept back the dispatches from Mr. Adams (then President) and almost plunged us into a war with France by this act*—what does he do? In 1808, he displays the same spirit of hostility to France which he manifested in '98; writes a letter, in which he attributes the embargo to French influence, to the mandates of Buonaparte.”—Being asked by a member of the House to name the person he referred to, Mr. Eppes named ME. Hear my defence.

1. In the first place, I say, that I am utterly ignorant of the alledged fact. I do not recollect to have heard, till within three years past, of any “dispatches kept back;” and the tale then surprised me by its novelty.

2. If any dispatches coming to my hands were kept back from the President, it must have been purely accidental; and even of this I am yet absolutely ignorant. To render it criminal it must have been done intentionally—Now if Mr. Eppes meant to say that I kept back any dispatches intentionally, or with a design to plunge the United States into a war with France, then I answer that the charge is utterly void of truth. I presume Mr. Eppes told the tale as he had heard it. From what source he derived it I shall not deign to inquire.

3. If I had intentionally, or from culpable negligence, kept back dispatches, and of the importance ascribed to them by Mr. Eppes, will it be believed that Mr. Adams would never have mentioned it to me? And is not this single circumstance sufficient to stamp the story with falsehood? Let it also be

particularly noticed that the charge against me, is for keeping back dispatches in 1798, and that I was not removed from office till May, 1800. If I committed the alledged offence, what excuse can be offered by Mr. Adams's *new friends* or by *himself*, for his keeping me in office a year and a half or more, after the deed was done? Why did he not remove me without delay, and give that as the reason? Mr. Adams well knew that I was held in estimation by many distinguished citizens of the United States; and that my friends in Massachusetts in particular, (of which state both of us are natives) were numerous and of great influence, whom he could not fail to offend by dismissing me, unless he could assign an adequate cause. I know, when he did remove me, that this consideration did not escape his reflection. Whereas, had I been guilty of the offence at this late day conjured up against me, while it mortified, it would have silenced my friends; and I could never have held up my face in their presence. Among those friends were many whom I had not personally known. To a man, I believe, they had once been the friends of Mr. Adams. They continue *mine* to this day, and with increased regard. That they are not now *his*, we have his own testimony. Indeed that he had few, a very few friends in the United States of *any sort*, is necessarily to be inferred from his own declaration. Two obscure democrats in the interior of Massachusetts, *on the eve of an important election* in 1809, subscribed (for I understood they were incapable of writing it) a letter to Mr. Adams, replete with the most fulsome flattery, (the writer seems to have known what would best please his taste) in which they ask counsel of the "venerable father of New England."

His answer, marked throughout with his usual arrogance, egotism and vanity, thus concludes:—  
“ I always consider the *whole nation* as my *children* : but they have almost all been *undutiful* to me. You two gentlemen are almost the only ones, out of my own house, who have for a long time, and I thank you for it, expressed a filial affection for—*John Adams*.”

4. My innocence is to be inferred, not only from what is already stated, but from Mr. Adams's own publications. I have read his letters, printed in Boston in 1809, on the subject of the embassy to France, in 1799, to which I must suppose the dispatches in question are understood to relate. These letters Mr. Adams has written for the purpose of justifying that embassy. He therein states at great length, the grounds on which he took that step; referring to many private letters, and introducing one from Mr. Joel Barlow, received in the winter, 1798-9; all mentioning the desire of the French government to settle their differences with the United States. But these, he says, “ would not have influenced him to nominate a minister, if he had not received abundant assurances to the same effect, *from regular diplomatic sources*.” Of these he has published two letters from Mr. Talleyrand, French minister of foreign relations, which, Mr. Adams remarks, were communicated to Mr. Murray, American minister in Holland, and by him to the Executive of the United States. One of these two letters Mr. Adams sent to the Senate, with his nomination of Mr. Murray, the 18th of February, 1799. Now in all his tedious details on the subject, spread over near a hundred octavo pages, in which are exhibited marks enough of his resentment against his secretaries, (sentiments that appear to

have suffered no diminution of force in the lapse of ten years) I have not found one solitary intimation that any dispatches had been kept back.

5. In the last place, I say, that in 1798, I was in fact consulted (I do not mean by Mr. Adams) on the question of declaring war against France; and I gave my opinion explicitly in the negative. Not that I now claim any merit for my opinion; perhaps it was an erroneous one, which some may censure. I relate the simple fact.

TIMOTHY PICKERING.

## LETTER VI.

FELLOW CITIZENS,

MR. ADAMS having never assigned any specific reason for removing me from office, and the conjectures hitherto formed being insufficient to account for it, the question once more recurs—For what reason was I removed?—The answer is not to be expected from Mr. Adams: I am myself constrained to give it.

In the year 1800, Gen. Hamilton published “a letter concerning the public conduct and character of John Adams, Esq. President of the United States.” It had relation to the approaching election of a President. Mr. Adams and Mr. Jefferson were the rival candidates. In that letter, Gen. Hamilton thus noticed the removal of Mr. M<sup>c</sup>Henry, secretary of war, and of myself from

office: "It happened (said he) at a peculiar juncture, immediately after the unfavourable turn (unfavourable to Mr. Adams) of the (state) election in New York, and had much the air of an explosion of combustible materials which had been long prepared, but which had been kept down by prudential calculations, respecting the effect of an explosion upon the friends of those ministers in the state of New-York. Perhaps, when it was supposed that nothing could be lost in this quarter, and that something might be gained elsewhere, *by an atoning sacrifice of those ministers, especially Mr. Pickering*, who had been for some time particularly odious to the opposition party, it was determined to proceed to extremities." Compare this conjecture of Gen. Hamilton with the following details.

The excessive vanity, and inordinate ambition of Mr. Adams are well known. He wished also to enjoy the emoluments as well as the honour of the Presidency, for at least another term of four years. But by this time he had made such a developement of his character, so inauspicious to a correct administration of the government, as to have excited disgust in many influential federalists. Hence Mr. Adams's fears, that their support alone would not secure his re-election. What course then should he propose to himself? "*Flectere si nequeo Superos, Acheronta movebo.*" Some of the leaders of democracy were sounded. They were, or affected to be, willing to lend their aid, *on conditions*;—of which one was, that *I should be removed from office*. This was assented to; and I was removed, but not without some delay: which furnished at least a pretence to those leaders to disregard the agreement. Not that under existing circumstances they would

have favoured Mr. Adams's election; he was the dupe of their intrigues. By my removal they expected at once to detach from Mr. Adams my particular federal friends, who both for number and respectability were not to be overlooked. And even in the event of Mr. Adams's re-election by a federal majority, the *resentments* of the Democrats would be gratified, if their future interests should not be materially promoted by my dismissal.

Such, fellow citizens, was the base, the corrupt motive, for my removal from office. Without recurring to other proofs the simple fact that leading democrats knew, some time before the event, that I was to be dismissed, while federalists were ignorant of it, furnishes the strongest presumptive evidence of the above-mentioned intrigue and cause of my removal.—Another corroborative fact, may be stated, that, but the week before, Mr. Adams told me, that he considered the election of Mr. Jefferson to the Presidency as certain. To detach, therefore, some of his partizans, was essential to his own success.

The first intimation I received of this intrigue, was from the person who gave me the following certificate. Mr. Kimball had been a clerk in the department of state. After quitting the office, he went to Savannah, where he now resides. In 1803 being in Massachusetts, he came to see me, and gave me the information. On his way back to Savannah, in the autumn of that year, he found me at Washington. The fact he had stated to me occurring, I desired him to make out a certificate of it, and to show it to the gentleman from whom he received the information, and who lived in the district of Columbia. For the present, I omit his

name, contenting myself with saying, that he is a gentleman respectable for his standing in society, and of unblemished reputation. It will be seen, too, that Mr. Bowie, whose name will presently appear, confirms the statement in the certificate.

“ *Mr. Kimball's Certificate.*

“ At a public table, McLaughlin's tavern, in George town, July 1800, I heard ——— say, that some time in May preceding, he was present in a public room at Annapolis, when Mr. Smith, the present secretary of the navy, made the following declaration: That we, (meaning the democratic party) have been sent down (from Philadelphia) to know on what terms we would support Mr. Adams at the next presidential election. In our answer among other conditions, was the dismissal of Colonel Pickering from the office of secretary of state: but he has delayed it till he lost all hopes of his election by the strength of his own party; and now we do not thank him for it.

“ I have shewn this statement to Mr. ———, who says if it does not contain the precise words of Mr. Smith, that it is substantially correct.

“ Mr. ——— further says, that Mr. Smith said, in the same public manner, that he knew Colonel Pickering would be dismissed some time before it took place.

HAZEN KIMBALL.

“ *City of Washington, 29th Decr. 1803.*”

Having learnt that Thomas C. Bowie, Esq. of Prince George's county, Maryland, whom I did not personally know, but who was named to me as “a gentleman of high respectability, who had retired from the bar,” had a very particular conversation

and now secretary of state) on the subject stated in the above certificate: I took the liberty in April, 1810, of addressing a letter to him with a copy of the certificate. His answer is long, containing many observations not necessary to be introduced here. I will extract what has a special bearing on the case.

*Extracts of a letter dated April 16th, 1810, from Thomas C. Bowie, Esq. to Timothy Pickering.*

"I assure you, sir, it will be a source of much gratification if any thing in my power can contribute, in the smallest degree, to the exposure of those gross and palpable delusions which have been so long imposed upon the American people, by the abettors of democracy, in regard to your public character." Then noticing my official publications relative to our rulers, and their management of the affairs of the United States, Mr. Bowie says—"In order to impair the effect and universal conviction which they had begun to operate in almost every section of the country, it was soon found necessary to make you the incessant theme of the most bitter invective and vulgar abuse." "It is impossible for you, sir, to have any adequate idea of the very ungenerous, and I may say wicked expedients resorted to by the democrats in relation to this subject."

I certainly did hear Mr. Secretary Smith make the declaration contained in the certificate of Mr. Kimball. A few days before the account of your dismissal arrived at Annapolis, I repaired thither, attending the General Court, having just commenced the practice of the law: and having studied in Baltimore with Judge Chase and Mr. Martin I was well acquainted with Mr. Robert Smith,



and the Baltimore Bar generally, with whom I messed in No. 2, at Wharfe's Tavern, although then a resident of Prince George's county. One morning, while in bed, Mr. Smith remarked, that in a few days, the federalists would receive from the seat of government, a piece of intelligence which would both surprise and alarm them. He would not impart what it was, but requested me to *notice* his prediction. When the mail brought the news of your dismissal, Mr. Smith told me it was *that* to which he alluded; and he supposed I would admit he had some knowledge of cabinet secrets.\*—I had understood, a short time previous, that Mr. Adams was negotiating with the leading republican members of the House of Representatives, a coalition which went to secure his 25,000 dollars (a year) at the expence of what he himself had deemed the public good, but a little time before: That General Smith and other leading democratic members, were on the eve of Mr. Adams's expected re-election frequently dining and visiting at his house, and who before that time had never been in the habit of either."

I have now, fellow citizens, unveiled a mystery of iniquity, of which, for near eleven years, very few

\* Mr. Secretary Smith makes so conspicuous a figure in this affair, it may not be amiss to recite one other circumstance recollected by the gentleman referred to in Mr. Kimball's certificate, viz. Mr. Smith having stated that the news looked for from Philadelphia, "was very important, was wholly unexpected, and will greatly surprize *your party*:"—What, says Mr. Bowie, with surprize, are not you one of us? Mr. Smith replied, "that is as it may be." This reply seems to admit of but one meaning, viz. that Mr. R. Smith's openly appearing as a democrat, or retaining the garb of federalism, would depend on a political event—*whether Jack or Tom turned up trumps.*

have had any suspicion, and fewer still a knowledge of the facts.—When a man has, at one period of his life, distinguished himself by his public services, it is distressing to find and exhibit him as capable of straying from the straight path of integrity and truth: for it tends to excite suspicions and jealousies towards the most upright and inflexibly just.—This consideration and others before suggested, were sufficient to restrain my pen; and no reasons ~~merely~~ personal, would, in this public manner, have drawn the secret from me. But the apostacy of Mr. Adams, and his open support of men and measures, that were directly opposed to the system of administration which was formed during the Presidency of Washington—which for some time Mr. Adams continued to maintain—but which, in the end he fatally contributed to subvert:—This new course of conduct, in support of a new system of administration, which has overwhelmed our country with calamities before unknown—has demanded the present and still further unfolding of his character. Revenge has no share in it. If that passion had gained an entrance into my breast, it might long since have been gratified. In truth, my resentments were done away. His depravity excited abhorrence, mingled with regret, and his baseness my contempt.

TIMOTHY PICKERING.

P. S. My journey homeward, and some unavoidable delays on the way, will cause a suspension of these addresses; but I shall resume the subject as soon as possible after my return to Massachusetts.

## LETTER VII.

FELLOW CITIZENS,

SOME unexpected avocations have prevented so early a continuation of my addresses as I had contemplated. I now resume the consideration of the subjects which I proposed to discuss.—In my second letter, in stating the most prominent, I glanced at the evils with which for some years our country has been afflicted; evils from which you have long been amused with hopes of relief, but which remain unabated; or rather have become more aggravated.—Are they remediless? I trust not: for the remedy is in your own hands. But to apply it with effect you must know their cause. To this also I have adverted; viewing those evils as originating chiefly in the unprincipled ambition of a few men, with Mr. JEFFERSON at their head. It is necessary that you should understand his character, in order rightly to estimate his public measures, into an approbation of which, a great portion of the citizens of the United States have been beguiled.

THOMAS JEFFERSON.

When Mr. JEFFERSON entered on the Presidency of the United States, he found them by his own confession, “in the full tide of successful experiment.” And you all know, that while the government was in his hands, this tide of national prosperity abated; and towards the close of his Presidency, and in the two years which have followed under his successor (pursuing the same system) it has fallen to the lowest ebb. Such is the fact.

The principal cause will be found in Mr. JEFFERSON's ill-judged and deceitful policy; in which we are to expect no voluntary change under Mr. MADISON, whose cordial co-operation with his predecessor was a pledge, (Mr. JEFFERSON said) that he would persevere in the same system.

I had contemplated giving a detail, in the order in which they took place of the principal acts, (so far as known to me) of Mr. JEFFERSON's public life; from which might be formed a just estimate of his merit; and from which the sinister policy which has governed him would appear. I shall, however, not confine myself to this course; but anticipate some facts and conclusions, as circumstances may direct.

Mr. JEFFERSON's first claim to distinction seems to have been founded on the *Declaration of Independence*, of which he is reputed to be the writer. So much applause, indeed, has been heaped upon him for his agency in that State Paper, that more merit could hardly have been ascribed to him, if, instead of *writing a declaration on*, he had been the *author* of the *Independence* of the United States. The history of that declaration will show how slender is his claim to distinction for that performance.

The Journals of Congress present to us the following facts:—

On the 7th June, 1776, "certain resolutions respecting Independency" were moved. They were considered the next day; and again on Monday the 10th. The first resolution was in these words: "That these United Colonies are, and of right ought to be, free and Independent States; that they are absolved from all allegiance to the British

Crown; and that all political connection between them and the State of *Great Britain* is, and ought to be totally dissolved."—The farther consideration of this resolution was postponed to the first day of July. But that no time might be lost, in case the Congress should then agree to the resolution, it was now resolved that a Committee should be appointed to prepare a *Declaration* to the effect of that first resolution. And on the 11th of June the appointment was made. The members chosen were MR. JEFFERSON, MR. JOHN ADAMS, MR. FRANKLIN, MR. SHERMAN, and MR. ROBERT R. LIVINGTON. And MR. JEFFERSON being the first on the list of the committee, was of course the chairman,—A particular policy governed the choice. In the early period of our revolution, it was deemed expedient, in very important questions, that *Virginia* should take the lead. *Virginia* was then the largest and most populous of the colonies. Perhaps, too, it was expected that her going before would powerfully influence her neighbours to follow in her track. There might be other reasons. Such however, was the fact; as I was once assured by the late MR. SAMUEL ADAMS (then a member from *Massachusetts*) with a significance of countenance, in making the remark, which distinguished that wily politician. It was then, in pursuance of this policy, when the minds of the members of Congress, generally, were, by the actual state of things, and some previous proceedings, prepared for the Independence of the Colonies, that RICHARD HENRY LEE, of *Virginia*, moved, "the resolutions respecting Independency:" and by the like concert (as I have understood) JOHN ADAMS, of *Massachusetts*, seconded them. Mr. LEE would, almost of course, have been the

chairman of the committee, had not the dangerous sickness of some of his family called him home. In his absence, the choice fell on his colleague, Mr. JEFFERSON.

It may seem too obvious to remark, that, as in ordinary cases, so especially on this great question, the committee met, conferred, and freely communicated their ideas; some of them (as I have been informed) putting their thoughts on paper. Thus furnished with the ideas and views of the members of the committee, Mr. JEFFERSON was charged with preparing a draught of the declaration. And on the 28th of June, the committee reported a draught to Congress. On the 1st of July, it was taken into consideration, in connection with the resolution above recited. July 2d the resolution was agreed to, and the declaration farther considered. On the 3d, Congress continued the consideration of the declaration, and on the 4th of July, agreed to a DECLARATION OF INDEPENDENCE;—after striking out about one third of the whole, as draughted by Mr. JEFFERSON, and making various amendments, and among others, introducing, with a solemnity demanded by the occasion, their appeal to “the Supreme Judge of the world for the rectitude of their intentions,” and their “firm reliance on the protection of Divine Providence.”

I have called the declaration reported by the committee, “Mr. JEFFERSON’s draught,” because I have not learned that any material alterations were made in the committee; and because he so sensibly manifested his disappointment and chagrin at the great alterations made in Congress. In a letter dated July 8, 1776, to an absent delegate, Mr. JEFFERSON says—“I enclose a copy of the

Declaration of Independence as agreed to in the House, (Congress) and also as originally framed. *You will judge whether it is better or worse for the critics.*"—This letter, and the copy of the declaration as "originally framed," inclosed therein, both in the hand writing of Mr. JEFFERSON, I have seen and copied.

Seeing such great alterations in the original draught were thought necessary by Congress, some may ask, how it happened that so respectable a committee should agree to report it?—My answer must be conjectural; that the other members of the committee perceiving the chairman's fondness for his draught, consented to have it reported; relying on the necessary amendments in Congress; and perhaps intending to suggest to some of their friends to move for such as they deemed expedient. Be this, however, as it may, the large alterations and amendments above mentioned were actually made. In fact, the materials of which a Declaration of Independence might be composed, were so abundant, the talent most requisite in the compiler, would be that of just discrimination, a correct judgment, to reject minor considerations, and avoid drawing out to too great a length such as were important; in order to present to the world, with dignity and force, that great national act. And when, we recollect the number of men eminently distinguished for talents, who were then members of Congress, and know that so large a portion of Mr. JEFFERSON's draught was lopped off, expunged, altered and amended—the conclusion is, that the draught was sufficiently marked with imperfections.—But in the parts retained, what new ideas are to be found? The natural and social rights of man

displayed by eminent English authors, with whose writings the leading men of the day were conversant, and the rights of the Colonists as Englishmen—(and to maintain the latter, violated by the Government of the Parent State, was the sole cause and object of the revolution)—all these rights, I say, and their infringements, had been, for years, the subjects of conversation, of discussion in newspapers and pamphlets, and pre-eminently in the General Congresses of 1774 and 1775; as is manifested in their various resolutions, declarations, and eloquent letters and addresses. So that (as above suggested) the chief task of the compiler of the Declaration of Independence, would consist in making from these ample materials, a judicious and dignified selection.

The celebrated Mr. LOCKE had long before taught his countrymen, in *England* and her Colonies, what were their rights as men, and as subjects: that every just government was founded on the consent of the governed: that when the latter, instead of protection in their rights, experienced oppression from their government, they had a right to resist, to change its form, and introduce a new one. And to the objection, that this principle would produce mischief, as often as a turbulent spirit should desire the alteration of the government—Mr. LOCKE answers—“Till the mischief be grown general, and the ill designs of the rulers become visible, or their attempts sensible to the greater part—the people, who are most disposed to suffer than *right* themselves by resistance, are not apt to stir.”—And Mr. JEFFERSON, in the declaration of independence, copying Mr. LOCKE's principles and ideas, says, in the like case, that “prudence, indeed, will dic-



tate that governments long established, should not be changed for light and transient causes: and accordingly, all experience has shewn, that mankind are more disposed to suffer, while evils are sufferable, than to *rtght* themselves by abolishing the forms to which they are accustomed."

Mr. JEFFERSON has never forgotten this idea, of the patient endurance with which a *nation* will submit to oppression, even from a government *not* "long, established;" or he would not have ventured on the daring experiment of an unlimited embargo, and other similar oppressive and ruinous measures. But he had also learned with what facility a *nation* might be *deceived*--And so conformable was Mr. JEFFERSON's practice to this idea, it was manifested in so many of his acts, that *Deception* may be considered as the operative principle of his administration.

TIMOTHY PICKERING.

## LETTER VIII.

FELLOW CITIZENS,

IN the political concerns of a nation, excessive admiration of any man leads to dangerous errors: and if that man be not inflexibly just, and beyond the reach of flattery; if, on the contrary, he has but the semblance of virtue, and puts on the garb of patriotism to conceal his ambition; such admiration will produce serious mischiefs.

Whoever reads the history of the Israelites, will

be forcibly struck with their proneness to idolatry, even after their repeated experience of national calamities inflicted by Heaven for that sin. But idolatry is not uncommon among other nations and people. The difference is, that the former worshipped dead idols, the latter living ones.—Mr. JEFFERSON has been the idol of his party; and much incense has been offered to him for virtues he did not possess, and for talents more plausible than solid. His zealous partisans have considered the Declaration of Independence as a work of astonishing excellence, a matchless performance, and all its merits as exclusively his own. The history of that Declaration, in my last address, showed what share he had in it, and the extent of his deservings for that *compilation*.—Many, too, have thought his Notes on the State of *Virginia*, to be a work of great merit, which they have applauded, in the same breath, with the Declaration of Independence. In a word, he has been considered as a profound statesman, a great philosopher, and eminent in science and literature.—It is not within the scope of these addresses, if it were within my competency, to criticise the writings in which Mr. JEFFERSON has attempted to display his philosophy, his science, or his learning. I know, however, that men of acknowledged distinction in all measure his pretensions, in these respects, by a moderate scale.

Mr. JEFFERSON's Notes on *Virginia*, the single work in which he has appeared as an author,—however marked with “imperfections,” as he himself suggests—and abounding in errors, as others say—are, as they relate to the present investigation, most remarkable for containing some correct statements and doctrines, to which, nevertheless, he ap-

plies doubting remarks ; or to which his subsequent official opinions and conduct are in direct opposition. Hereafter I may bring most of them into view. At this time I shall notice only one instance—that relating to commerce.

Great pains have been taken to make the people of the United States, believe that Mr. JEFFERSON was a real friend to commerce. And to give currency to this unfounded opinion, he has himself let slip, no occasion to clamour for *the freedom of the seas*, and *the rights of the ocean* ; and the more because that clamour could be pointed against *Great Britain*. For on the seas she has unlimited command ; and because she possesses the power to oppress, he would have it inferred that *Britain* alone interdicts, or *causes* the interdiction of that freedom, and the violation of those rights.

In his Notes, under Query xxii, he says—“ Our interest will be to throw open the doors of commerce, and to knock off all its shackles ; giving perfect freedom to all persons for the vent of whatever they may choose to bring into our ports, and asking the same in theirs.”—What sentiments could be more liberal ? They only happen to be impracticable. But, in the same page, we find the nature and extent of this perfect freedom of commerce—that it should be *active* and *uncontrouled* as to *foreigners*, and *limited* and absolutely *passive* on the part of the citizens of the United States.

After remarking, that if instead of going to war, nations would expend their revenues in making roads, opening canals, building ports, and effecting other internal improvements, “ it would render them much stronger,” (if there were to be no wars, of what use would be *national strength* ?) “ much weal-

thier and happier"\*;—Mr. JEFFERSON adds: "This I hope will be our wisdom. And, perhaps, to remove as much as possible the occasions of making war, *it might be better for us to abandon the ocean altogether*, that being the element whereon we shall be principally exposed to jostle with other nations: *to leave to others to bring what we shall want, and to carry what we can spare.* This would make us invulnerable to *Europe*, by offering none of our property to their prize, and would turn *all our citizens to the cultivation of the earth.*"—"It might be time enough to seek employment for them at sea, when the land no longer offers it."

In this passage we see the bias of Mr. JEFFERSON'S mind: and though introduced with apparent modesty (by a "perhaps") it undoubtedly expresses the real sentiments of his heart. And here certain of his devoted followers took their lesson of hostility to the *active* commerce of our citizens. In

\* Mr. Jefferson might have added another remark—That if all men were honest, benevolent, and true, we should hear of no injustice, no unkindness, no deception. And then what a delightful world would this be to live in! Every reader will perceive that all such remarks are idle; and when gravely pronounced by a "philosopher," quite ridiculous. Such deep observations are not unfrequent in Mr. Jefferson's writings. But they are not without an object; being calculated to impress the minds of his readers with the belief, that he possessed a feeling heart, alive to every human woe. He knew that benevolence had a charm to conciliate good will and attachment. With great authority, these questions once were asked: "Whence come wars and fightings? Come they not even of your lusts?" The lust for power, for dominion, and for all the objects of avarice and ambition?—Has Mr. Jefferson, since he came on the public stage, witnessed any abatement of these dangerous and mischievous passions? Has he learned to repress his own?

this early opinion of Mr. JEFFERSON we discover one ground of the Terrapin policy (as it has been familiarly called) which, when he found a pretence, he so eagerly adopted; the magnanimous policy of retiring from the ocean, like the turtle within its shell, lest some rude creature should strike at our heads or tread upon our toes. It is the policy which still governs and will continue to govern in the United States, so long as the great mass of the people shall remain under the fatal deception, that the men who had administered their government for the last ten years, are exclusively wise, honest and patriotic.—But such extreme credulity, such easy confidence, such ready submission, has surpassed the ideas Mr. JEFFERSON entertained at the time when he wrote his *Notes on Virginia*. He did not then conceive it possible that the same people who had commenced their opposition to the government of the Parent State, more to resist a dangerous principle than evils actually inflicted, would patiently submit, not merely to the violation of principle, but to positive oppression. One of the complaints against the King of Great Britain, and one of the grounds of the Declaration of Independence, was, his giving assent to “an act for cutting off our trade with all parts of the world.” But Mr. JEFFERSON not only assented to but was the father of such an act—the EMBARGO, imposed by his recommendation and influence, unlimited in its form, and calculated to endure until the foreign commerce of the United States would be annihilated. It was in fact continued as long as his successor thought your patience would endure it. To this ruinous measure Mr. JEFFERSON was so wedded (his special motives may hereafter be un-

folded—) that in July, 1808, when the evils of the Embargo had become apparent to every eye not blinded by prejudice or deceit; and it was observed to him, “that the injuries to the United States would be greater than those of any other government”—he answered—“They were mistaken in their calculation; and that *he would rather see America sunk, than make any alterations in what had been done by this government, until Great Britain would repeal her Orders in Council.*” If those orders had been the cause of the Embargo, there would have been some colour for its continuance until they should be repealed: but I have formally shown, on the floor of the Senate, and in the course of these addresses I will more fully show, that Mr. JEFFERSON’S Embargo was imposed without any relation to the orders in council, whose existence even was not known to him when he recommended that measure. The above recited declaration of Mr. JEFFERSON, that he would rather see *America sunk* than change his system, was repeated to Mr. HILLHOUSE and me by a gentleman of reputation, to us, well known, who was present at the conversation, and on the same day noted down those extraordinary words.

In my next number the subject of commerce will be continued.

TIMOTHY PICKERING.

## LETTER IX.

## FELLOW CITIZENS,

IN my last address, I remarked, that Mr. Jefferson, when he wrote his Notes on Virginia, did not imagine the people's faith and patience would carry them so far as to sacrifice to the will of their rulers such obvious and important interests as their commerce and navigation, and continue their admiration of their destroyers. Nobody, indeed, could have believed it possible. The fact alone could render it credible.

After manifesting his own opinion, that it would be our wisdom "to abandon the ocean altogether;" Mr. Jefferson adds, "But the actual habits of our countrymen attach them to commerce. They **WILL** exercise it for themselves." Yet at the close of the year 1807, he had acquired the confidence of the mass of the nation to such a degree that he ventured on the experiment "of abandoning the ocean," under the *disguise* of an **EMBARGO**; a name familiar for a *temporary* suspension of commercial navigation, for some *definite* and *temporary* cause and object. But the act imposing the Embargo was without limitation, and without an adequate cause or object. The reasons he assigned to Congress were so flimsy, the documents he communicated so insufficient, that if the effect of overweening confidence, and the force of party were not known, it would seem impossible that Congress should have sanctioned the measure. As the people, however, suffering the loss of trade, might be less tractable than Congress, it was

deemed necessary to wrap up the project in mystery. Hence it was, that part of the documents were withdrawn and returned to Mr. Jefferson, as he had requested; and kept secret until the country was completely saddled with the Embargo, and in effect to this day. For though at length they were again communicated and published, yet it was with a mass of other papers, and without any indication that they had been originally offered (what no one not in the secret would suspect) as part of the grounds for the Embargo. These two papers I shall publish, when I come to investigate the *real motives* of Mr. Jefferson in recommending that measure.

Mr. Jefferson, having stated that the habits of the people of the United States attach them to commerce, and they *will* exercise it for themselves, draws this inference—"War, then must sometimes be our lot."—This led him to broach his opinion on the most suitable preparations for war. And he says that whether we provide for offence or DEFENCE, "the sea is the field on which we should meet an European enemy. On that element it is necessary we should possess some power." He then offers his reasons why a small naval force is sufficient for us; and adds, that "a small one is necessary." The result of his calculations of one year's possible exertions, in raising money to form a navy, would be eighteen ships of the line, and twelve frigates; but without deciding whether more or less than a year's exertion should be so applied.

Here we see Mr. Jefferson's deliberate opinion of the place where the United States ought to meet a



ménts of warfare, whether for offence or DEFENCE: Now mark his practice, when he had reached the summit of power in the Union. Instead of effective ships of the line and frigates, capable of "meeting a European enemy on the sea," he recommends the building of squadrons of GUN-BOATS only; which could *not* meet a European or any other enemy on the sea. Yes, he expressly states, "that this species of naval armament is proposed merely for *defensive* operation; that it can have but little effect towards protecting our commerce in the open sea, even on our own coast; and still less can it become an excitement to engage in offensive maritime war, towards which it would furnish no means."

Thus the gun-boat system perfectly coincides with Mr. Jefferson's notion of "abandoning the ocean altogether"—of renouncing all commerce (or at least all commercial navigation:) for gun-boats, he says, "can have but little effect towards protecting it in the open sea, even on our coast." But he subjoins one consolation, *that gun-boats will not tempt us to engage in offensive maritime war.* This reason is of the same kind with that offered to Congress, in his first message (Dec. 8, 1801) for desiring an *empty treasury*: for a full treasury, *revenues accumulated*, might offer temptations to make war. This he suggested as a motive for the repeal (which he had just proposed) of all the internal taxes. For when a person has a favourite project in view, he seizes eagerly on every circumstance which may promote, justify or excuse its execution. That anticipated repeal of the taxes had been diligently used as a means of gaining popularity;

This policy of Mr. Jefferson of guarding against an abundant treasury, operated to a charm. His mischievous measures left the treasury empty; and worse than empty: for in the first year of Mr. Madison's presidency, it was found necessary to provide by law for the borrowing of some millions of dollars to defray "the public expences;" and in the next for borrowing some millions more!

But although in political questions, affecting the general views and interests of the party, Mr. Jefferson was sure of support; yet in other cases he experienced occasional opposition. Some of his projects were too preposterous, or impracticable, to be maintained by his friend.—And although he succeeded in getting his gun-boats built; yet as soon as he ceased to be president, *they went out of fashion*. It was discovered that this favorite scheme for general defence was defective and contemptible, if not impracticable.\* And in the first session of Congress under his predecessor, (June, 1809) a committee of the Senate reported a bill for selling the gunboats, with the reservation of a small number for particular situations. If the bill had become a law, and they had been sold, it is possible they might have fetched a tenth part of what they had cost the United States, in the last years of Mr. Jefferson's presidency. In this gun-boat project we see one display of that gentleman's wisdom and ECONOMY. But the bill miscarried; and the cause

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\* In the Senate, on a question for putting some of the frigates in commission for service, Gen. Smith advocated the measure, partly on this ground, "*That seamen would not enlist to serve in the gun-boats: but when enlisted for the frigate they might be transferred from them to the gun-boats!*" On this kidnapping idea sea-faring men will be the best commentators.

of its failure seemed to be this. As soon as it was known abroad that the gun-boat system was no longer favoured by the administration—if it was not even a subject of derision with one or more of its members, as well as in Congress;—and that a committee of the Senate had reported a bill for selling “this species of naval armament;”—the editors of newspapers renewed their attack upon them with upbraiding ridicule. The pride of the government was touched; perhaps Mr. Jefferson had interfered; or some of his friends for him to save his feelings. Be this as it may, the bill was postponed; and the gun-boats remain unsold; although excepting twenty-four at New Orleans, they were absolutely useless, were rapidly decaying, and were soon to become of no value. For the Secretary of the Navy reported (and the report was laid before the Senate with the bill to authorize the sale) that “if a gun-boat is suffered to lie in port for one year without giving her any kind of repair, she will probably be found at the end of that year wholly unworthy of being repaired.”—I take it for granted, that (with the exception of the few at New Orleans) the gun-boats were not repaired within that year, nor since; and of consequence that they are now worthless.

In the same report, the Secretary of the Navy gave his “Estimate of the *annual* expense of taking care of the gun-boats laid up” (and all but those at New Orleans were laid up) amounting to fifty-four thousand seven hundred and nine dollars: excluding ten thousand dollars from the estimate for *annual* repairs: because I presume no repairs of those “laid up” have been made.—Thus have one million and some hundred thousands of dollars been sacrificed to Mr. Jefferson’s *views* and *whims*. And

even the little saving which might have been made two years ago, has been prevented by a tenderness for his reputation, or the pride of those who co-operated with him in the original project.

But there is more **ECONOMY** in this business yet to be displayed. In another report, made three days after the former, the Secretary of the Navy states the comparative expences of building gun-boats and frigates: by which it appears, that the former would cost gun for gun, more than twice as much as the latter.—For instance, that a frigate mounting 56 guns (42 pound carronades and 24 pound long cannon) would cost 221,000 dollars; and 19 gun boats carrying each two guns, 228,000 dollars; and that the building of 25 gun-boats, carrying each one gun, would cost 22,500 dollars; That to fight 56 guns on board of 28 gun-boats, would require 1215 men: and to fight 56 guns in 56 gun-boats would require 2520 men: and that these 2520 men on board frigates, each mounting 56 guns, and each requiring 420 men, can fight 336 guns consisting of 42 pound carronades and 24 pound long cannon—[that is, the 2520 men would man and fight six frigates of 56 guns each.] He concludes his comparison with this farther statement; “that the difference between the annual expense of fighting fifty-six guns on board a frigate, and 28 gun-boats carrying 56 guns (two to each boat) is 206,550 dollars, and that the difference in the annual expence of fighting 56 guns on board a frigate, and 56 gun-boats carrying each one gun, is 535,200 dollars. That is above half a million of dollars *more*, for 56 gun-boats carrying each one gun kept in service one year, than it would to maintain a frigate for the same time, carrying

Jefferson's plans?—But the gun-boats might, “if properly stationed,” that is, in the smooth water of land-locked harbours, afford some aid in defending such ports; they could not protect our commerce in the open sea, even on our own coast: ships of the line and frigates could do both: *and gun-boats had the preference!* \*

\* There is one fact connected with the gun-boat business which is little known; and as it was intended to form a part of that system of defence, it may not be uninteresting:

There is, near the entrance of the Chesapeake Bay, a space of some miles in extent called the Middle Ground, where the water is of sufficient depth for gun-boats, but too shallow for ships of war. Mr. Jefferson's project was to form, on some part of this shoal an *Asylum* for his favorite “species of naval armament.” This was to be accomplished by encompassing a part of the shoal with mounds of rocks, to be transported and thrown in until their ridges should rise fairly above water. On these ridges (I do not know whether in the form of a square or a circle) were to be raised walls of masonry, I think twelve feet high, and of a thickness (I suppose) sufficient to resist the battering of cannon, as well as of the sea. By an opening left in one of the sides, the gun boats were to enter. And this opening was to be guarded by so running the two parts of this side, that they might over-lap, leaving a space between for the gun-boats to pass in and out.—With this most ingenious project, Mr. Jefferson was so delighted, that, embracing in his glowing imagination the time of its execution, he exclaimed with transport,—“Then let a British ship of war show her nose if she dare!”

It may occur to some to ask, why this Wet Dock (as well as the Dry Dock) was not proposed to Congress. Unfortunately—or fortunately—Mr. Jefferson happened to meet with a man of common sense and experience—a *practical* philosopher—to whom the scheme was communicated. This gentleman, in the first place, endeavoured (though in vain) to convince Mr. Jefferson that the proposed foundation of this wall would not resist the rolling of the Atlantic waves. But when he told him that the sand of the Middle Ground occasionally shifted; and that if his mounds of rocks resisted the

This plan of gun-boats instead of ships of the line and frigates, is perfectly consistent with, and a confirmation of the opinion extensively entertained—That Mr. Jefferson and his chief supporters are not *friends*, if they are not *enemies* to the foreign commerce of the United States, as connected with their navigation; and that they are alike enemies to an efficient navy. Of these things I am sensible that many of my fellow citizens will need no new evidence. For the information of others—instead of more details, at this time—I subjoin the open avowal of a distinguished member of Congress from Virginia, during the last session. It furnishes the key to open to us the plan of the administration, and its prime or confidential supporters; and will aid us in accounting for their conduct in relation to foreign powers, to France in particular.

As Mr. Eppes (Mr. Jefferson's-son-in-law) in the last session of Congress, said of the Bank of the United States, that its fate was to be decided on party principles; so his colleague spoke of our government itself;—That “it was a government of party: that they were obliged to have recourse to such measures *as would enable them to retain their places*: that they never would go to war for the rights of the ocean: commerce never would be protected by force; not even if there was a blockading fleet at the mouth of each of our

that the entrance into his dock (or pound) would be choked up—Mr. Jefferson gave way; and the project was abandoned.

The first intimation of this project was given to me by a friend of Mr. Jefferson, who heard him utter *the stout defiance to the British navy*; and the details of it by a gentleman with whom Mr. Jefferson conferred on the subject, and who made

harbours: And Government [the party now in power and administering the Government] never would risk a war until our resources were sufficient to defray the expenses *without creating burthens to make them unpopular.*"

This avowal was made to another member of Congress, who at my request, while the declaration was fresh in his memory, committed it to writing.—I have not now room for comments upon it—besides it speaks a language too plain to require any.

TIMOTHY PICKERING.

## LETTER X.

FELLOW CITIZENS,

I CLOSED my last address with the plain avowal, by a distinguished member of Congress from Virginia, during the last session, of the real policy of our government in the management of the affairs of the nation. 'I present it again at the head of this address; for it well deserves a second reading. It is a text on which many interesting comments may be made—He said, " That our government was a government of party: that they were obliged to have recourse to such measures *as would enable them to retain their places*: that they never would go to war for the rights of the ocean: commerce never would be protected by force; not even if there was a blockading fleet at the mouth of each of our harbours: And Go-

vernment (meaning the party now in power and administering the Government) never would risk a war until our resources were sufficient to defray the expenses, *without creating burthens to render them unpopular.*"

In my first address, I said you had suffered many wrongs (during the administrations of Mr. Jefferson and Mr. Madison) "*not for your ultimate advantage, but that your LEADERS, PRETENDED PATRIOTS, might obtain and hold power and place and the emoluments of office.*" In the above voluntary confession of the Virginian delegate you have direct evidence of the fact.—That such was the *governing principle* of the men now in power, has long been manifest to a large portion of my fellow citizens: but the majority, deceived by *plausible professions* of zeal for the public welfare, have placed their entire confidence in these men; until at length, presuming the deception complete, they have the boldness to avow their plan of governing, and their motives.

I pray every citizen, and especially every merchant, every ship builder and other mechanic, whose business is connected with navigation and commerce, together with all sea-faring men, seriously to consider this declaration of the plan and the motives on which the government is administered. In them they will see their miserable doom; and the cause of the degraded and suffering condition of our country. Our rulers have not taken, nor will take, the measures necessary to save the country; lest the means, to which recourse must be had to carry those measures into execution, should render them unpopular! And thus the interests and employments of multitudes who live



by commerce and navigation, are to continue to be sacrificed to the selfish views of that small band of men who have gotten into their hands the reins of government; and the great interests and the honour of the **NATION** must be slighted or abandoned, lest these *patriots* should lose their places! like spaniels they submit to, be spurned and kicked by the French Emperor, who tells them they are "without just political views, without honor, without energy!" And after a series of such insults, which no nation not at open war ever before offered to another; and after piracies and robberies (under the names of captures and sequestrations) immense in number and value, the Emperor adds one insult keener and more bitter than all the rest: that "his majesty loves the Americans!"

If, fellow citizens, any one of you had associated with a man who had called himself your friend—whom you had taken infinite pains to benefit and to please—should rob you on the highway, pick your pocket, spit in your face, call you a blockhead, without honour and without spirit; and after all should look you in the face, and say "he loved you!" I do not ask what you would *think*; but what would be your *feeling*? Would you not hurl defiance at the aggressor, and avenge your wrongs?—The individual case supposed is but an imperfect representation of the insults and injuries received by our government and citizens from the Emperor of France. And yet our rulers, to whom the people have confided their interests, and to whom they look for direction—far from resenting, and demanding satisfaction—dare not even express the ordinary feelings of men at these unexampled outrages!—If sometimes

a faint murmur of complaint escapes, and they direct their minister at Paris to say, that the "public" feelings have been excited by the language and conduct of the French government towards the United States, yet it is with extreme caution, lest his imperial majesty should be offended. For the direct meditated insult in the letter of the French minister Champagny, of January 15, 1808,\* our government, instead of *demanding reparation*, sought only for an *explanation*. And lest language too bold for the tender and delicate susceptibility of Mr. Jefferson and Mr. Madison, in *relation to France* should be used by the American minister, Gen. Armstrong—he is instructed, in presenting the President's gentle complaint, "to take care whilst he should make the French government sensible of the offensive tone employed, [in Champagny's letter] to leave the way open for friendly and respectful explanations, if there should be a

\* In Mr. Madison's own statement of this insult [letter to Gen. Armstrong, May 2, 1808] he says—"it presented to the United States the alternative of bending to the views of France against her enemy, or of incurring a confiscation of all the property of their citizens carried into the French prize courts; and implied that they [the United States] were susceptible of impressions by which no independent and honorable nation can be guided." And Great-Britain in retaliation for Napoleon's Berlin decree of November, 1806, having issued the Orders in Council of November, 1807, the French Emperor undertakes to say "that war exists between the United States and England"—"and his majesty considers it as declared from the day on which England published her decrees." Thus to "prejudge and pronounce for the United States the effect which the conduct of another nation ought to have on their councils and course of proceeding (Mr. Madison, with all becoming meanness ventures to say) had the air at least of assumed authority, not less irritating to the public feelings."

disposition to offer them!" Gen. Armstrong scrupulously obeyed his instructions. In his letter to the French Minister he says—"His excellency will be persuaded that the President, in directing this representation, *had no object in view beyond that of seeking an explanation*, which cannot but tend to promote the harmony of the two powers." But no explanation was given. The words were too plain to need it. The insult was intended.—The French Emperor had long before ascertained the characters of the men to whom the insult was specially addressed; and he disdained to answer such miserable suppliants. He had long considered, and at length openly pronounced them to be, "without just political views, without honour, without energy." And what independent American, taking a correct view of the conduct of the administrations of Mr. Jefferson and Mr. Madison, especially for the last four years—but stung with equal shame and regret for his fallen country, humbled and debased by their system of government—can avoid admitting the reproach of the Emperor, horribly insulting as it is, to be just?

From this picture of our degraded country, I turn to take a glance at its features at a former memorable period.

Had the United States not known France until within the last four years; if the perfidy, rapacity, and injustice of her government had not been experienced; a long forbearance on the part of Mr. Jefferson and Mr. Madison might have been excusable. But on this head those gentlemen had nothing to learn. They both perfectly understood the character of the French government. From the issuing of the Berlin and Milan decrees to this

day, the conduct of the French Emperor (to say nothing of his atrocities committed all over continental Europe) has been a repetition, but with aggravations, of the outrages of the Directory, when France called herself a republic. The open violation of her solemn treaties with the United States has been the same; and the same her contempt for the law of nations. The principles of robbers and pirates and tyrants have directed the measures of the government as well of republican as of imperial France.

Under the preceding administrations of the American government, while France appeared under the form of a republic, the state of things called for a patient endurance of many wrongs. The proceedings of her government were so extraordinary as to induce an opinion that they must have arisen from strange prejudices, misinformation, or misrepresentation, relative to the conduct of the government of the United States. A hope therefore was entertained, that when the truth of facts should be fairly and fully exhibited to the French government, it would be satisfied; and regulate its measures towards the United States, by the stipulations of treaties, the rules of public law, and the duties of friendship, which, on the part of the United States, was sincere and cordial to France.—The Presidents Washington and Adams sent one embassy after another, to the French government, to explain every act of the American government of which that of France complained—to give and to ask reparation for injuries, which could be supported by proof—and earnestly to seek a reconciliation. But all these attempts of the American government to settle every point of difference by

negotiation, were fruitless. Our ministers were rejected, rudely and ignominiously rejected; and among other unwarrantable demands, the Directory and their minister Talleyrand required a loan of money to a vast amount, besides a *douceur*, in plain English, a *bribe*, of fifty thousand pounds sterling—(upwards of two hundred thousand dollars)—for their own pockets, as a preliminary to induce them to open their ears to hear our respectful representations! This shameless demand, and other unwarrantable requisitions, were refused, and our ministers returned.

These proceedings of the French government, and the vast depredations on our commerce, committed by virtue of its unjust and outrageous decrees, had demonstrated that the complaints and claims of the French government had been advanced, not to obtain a restoration of violated rights (for we had violated none) but as a pretence for trampling on ours.

The United States had then to choose between absolute submission to the views and will of the French government—or, roused by its insults and injuries, to resist its oppression. Happily there was at that time no disposition in the American government to conceal the enormities of France, or to check and palsy the rising spirit of our citizens. The voice was general—"Millions for defence, not a cent for tribute." The government determined to resist—prepared for war—armed public and private vessels to protect and defend commerce—and repel French aggressions.

As soon as the French government found its mistake—that with all our friendship for France, there was then too much independence of spirit to submit

to unlimited depredations on our commerce, and insults on the national honour. When France found her party in the United States, of whose strength she had boasted, was overborne (for to our eternal disgrace France had then, as she now has, a devoted party in the bosom of our country)—When she saw numerous vessels armed and sent to sea to protect our commerce, and her own public as well as private armed ships captured, and brought into our ports; then the French government, abandoning its unfounded and arrogant demands, came forward and professed its desire of peace and reconciliation.

The same course, if Mr. Jefferson and Mr. Madison—feeling as the chiefs of a nation ought to feel for its just rights, honour, and independence, most atrociously violated by the present ruler of France; if with the integrity and spirit becoming their station they had adopted the same course; it would have produced the like effect. Or if it failed: if the arrogance of the single despot who now governs France, as much surpasses the pride of the five tyrants called the Directory, as his means and his power exceed theirs, and had prevented any relenting on the part of the French Emperor: if true to his declaration “that there should be no neutrals,” or in the words recited by Gen. Armstrong, “that the United States should be compelled to take the positive character of allies or enemies:” then war, open war would have taken place: and in this case also, we should have escaped a repetition of insults; and our commerce would have been comparatively safe. The millions which for years have been expended in keeping up the remnant of our navy, to no useful purpose, would have greatly contributed to protect our commerce; and the very many mil-

lions which our merchants, misled by the measures of our government, have suffered to rush into the very jaws of the tiger—or been compelled to send unarmed and undefended, within the reach of his claws—would have been preserved.

TIMOTHY PICKERING.

## LETTER XI.

FELLOW CITIZENS,

THE *Text* furnished by the Virginian delegate to Congress, which was recited in the two preceding numbers, requires some further comments.

As a consequence necessarily resulting from that gentleman's declaration, I remarked, that besides the essential interests of numerous portions of our citizens more immediately concerned, sacrificed to the views of party leaders, the great interests and the honour of our country must be slighted or abandoned, lest those gentlemen should lose their places, the power and the emoluments of office. But I may be asked, what hazard to their popularity would arise from their taking those measures which the public welfare, the honour and safety of the nation, imperiously require? I answer, that as the great body of the people, the nation, must necessarily desire that the national interests, honour and safety may be promoted and secured; of course they will approve the measures which they *believe* are calculated to effect those great and patriotic purposes. But if the nation have been *deceived*;

if they have been taught to believe, and do believe, that the measures which alone can maintain and secure those essential objects, would be most injurious and destructive; if to the men whom the people have long "delighted to honour," may be applied the denunciation of the prophet—"Woe unto them that call evil good and good evil; that put darkness for light and light for darkness; that put bitter for sweet and sweet for bitter;" then what will the people approve? The pernicious measures of their deceiving leaders.—Even in the days of WASHINGTON they alarmed the fears of the people, that the system of administration which he approved was *calculated* to introduce monarchy and nobility, from which, by the revolution, they had recently been freed.—Mr. Jefferson, in his memorable letter to his friend Mazzei, dared to represent "the Executive Power," meaning WASHINGTON, in whom, as President, the executive power was then vested,—“the Judiciary,” and “all the Officers of Government,” as engaged in a conspiracy against republicanism! “Instead (says he) of that noble love of liberty and of that republican government which carried us triumphantly through the dangers of the war, an English-monarchical-aristocratical party has risen up, whose avowed object is to impose on us the *substance*, as they have already given us the *form*, of the British government”—by this “form of the British government,” meaning *the Constitution of the United States*, which he and his partisans *now* profess so much to admire. The people were taught to hate every thing pertaining to England, and to love every thing pertaining to France: That the chief magistrate of



England being a *king*, must therefore be a *tyrant* ruling over *slaves* : While France, calling herself a *republic*, must be *free*, and her rulers the patriotic guardians of the people's rights. No connection, therefore, no treaty, not even of amity and *commerce*, for *our own benefit and for the settlement of old disputes*, must be formed with England, lest the purity of republicanism should be defiled by her "whoredoms." In the same letter to Mazzei, above mentioned, Mr. Jefferson represented many of the most distinguished citizens of the United States as having become apostates from republicanism—"men (he says) who were Solomons in counsel and Samsons in combat, but whose hair had been cut off by the whore England." Meaning that England had *corrupted* them, and so prevented the exertion of their former wisdom, virtue and energy in administering the government\*.—There is no room to doubt that Mr. Jefferson comprehended WASHINGTON in this audacious reproach. *Before* the publication of this letter in the United States [it was first published by Mr. Jefferson's French friends in Paris] Mr. Jefferson seldom, if ever, passed Mount Vernon without calling, or sending an apology for omitting it : but *after* its publication these civilities entirely ceased. A visit then, he was sensible, would have been an insult not to be borne.

But, what was the *tyranny* under which the Britons groaned, and for submission to which Americans were taught to think and call them *slaves* !

\* This letter to Mazzei was probably written in 1794, soon after Mr. Jefferson quitted the department of State, "to avoid figuring in scenes" which he could not control, and turn to the service of France, and his own elevation to the Presidency, so well as in his *philosophic* retirement of Monticello.

These *slaves* asserted and maintained the very *liberties* for which the sages and heroes of our revolution counselled, struggled, bled, and died: they contended for their “birth rights”—the “rights of Englishmen,” in which we and our fathers always placed our glory\*, the right by their representatives to participate in the making of their laws—and of giving and granting their own money for the public service; the right of trial by *Jury* before able and independent judges; the right to the writ of *Habeas Corpus*, which every Englishman may demand, and by virtue of which he is secured, as we are by the same process, against lawful arrests and imprisonments by ministers, military officers, or others who abuse their power; and with these rights they enjoy freedom of speech and of the press. In one word, of all the countries on the earth, the United States and the British Dominions alone are free. The rights of Englishmen our fathers brought hither with them from England; *and to that country WE are indebted for all our practical ideas of freedom.* And yet *that* is the country—now the world’s last hope—on whose existence and independent power our own depend—as intelligent and reflecting democrats themselves well know, and some of them acknowledge, but whose down-

\* The first Congress which was assembled at New York in 1794, unanimously resolved, “That our ancestors, who first settled these Colonies, were, at the time of their emigration from the mother country, entitled to all the rights, liberties, and immunities of free and natural born subjects within the realm of England. That by such emigration they by no means forfeited surrendered, or lost any of those rights.” They also resolved “That the foundation of *English Liberty* and of all *free Government*, is, a right in the People to participate in their legislative Council,”

fal and subjugation to France many of their brethren appear heartily to desire.

And what are the blessings of Frenchmen, which seem so attractive in the eyes of many of our citizens? They are such as these: To be dragged in chains to the armies, that they may have the honour to endure all the miseries of war, to fight and to die *not* for their COUNTRY, but for the boundless ambition of an unfeeling tyrant, to be wretched themselves, and the instruments to bring down misery and ruin on all the nations round: to be taxed at his pleasure; and if they delay payment, to have soldiers quartered upon them, eating up their substance until they can find the means of payment: to have their commerce destroyed, and be deprived of all its comforts: to be beset by spies employed by the Emperor to watch their words and actions; so that before a Frenchman dare open his mouth on any public affairs, or any thing relating to the Emperour, he looks round to see if any suspicious person be present. And there he is often deceived. For since the French revolution, such has been the increased and general prostration of morals, such scope and encouragement have been given to vices and crimes, that not unfrequently the father betrays the son, and the son the father; and "a man's enemies are those of his own house." In a word, the will of the imperial tyrant is law; and the most grievous oppressions are inflicted on the people. His decrees in hostility to commerce; have spread devastation in the trading towns and cities of France. Bordeaux, for instance, once so active and flourishing, with a population of upwards of a hundred thousand persons has by the loss of its trade lost half of its

inhabitants.—The like destruction and misery have visited Holland, which had grown and existed by commerce, and all other countries where the French Emperour's sway is established.—Amidst these mighty ruins spread over the nations of Europe, appears Napoleon's court, in pomp, in splendour, in luxury, surpassing all example, and which the many millions plundered from the citizens of the United States have contributed to support: plunderings which no efficient means have been used by our own government to repress; and the restoration, or indemnity for which have been but faintly asked.

And how is this subserviency, this tameness, this servility towards France to be accounted for? In my second address I alluded to the general cause. That as Mr. Jefferson and his fellow labourers rose to power by inflaming the love of the people to France, and their hatred to England, they have also thought it necessary to keep alive these passions, as the surest means for the continuance of their power. They represented the impartial system of Washington's administration as a "system of ingratitude and injustice towards France, from which they would alienate the people of the United States, to bring them under British influence."—These are Mr. Jefferson's words in his letter to Mazzoni. And as the cry of ingratitude to France, and of British influence was well adapted to promote his ambitious views, its origin may well be ascribed to him. It corresponds with the slanders against Washington and Adams for which he afterwards paid his friend and correspondent the infamous James Thompson Callender. With similar views his partisans kept up the cry to this day. .

Having thus led the body of the people into fatal errors respecting the two great nations at war, and the character and views of the citizens who before administered the government, they dare not undeceive them. They cannot now tell the people the **TRUTH**, without justifying the sentiments and policy of their political opponents, the followers of **WASHINGTON**, and thus hazarding the loss of their offices and power: and their measures, for the last four years especially, are in evidence that they would rather sacrifice the rights, interests and honour of our country, and put in jeopardy its liberty and independence.

Another means employed to undermine the federal administration was, the raising a clamour against the taxes which were indispensable for the support of the public faith in regard to the debts incurred by the revolutionary war—for carrying on, during several years, an expensive war against the Indians, for the defence and protection of the frontiers—and for providing the means of protecting our commerce and our country against the aggressions and hostile views of France.

Although no government can exist without revenue—and no revenue be attainable without taxes—yet no person of any experience can be ignorant, that the levying of taxes is one of the most ungracious acts of a government. It has therefore been the policy of most governments to raise a great (often the greatest) portion of their revenues by *indirect* taxes; especially on the articles imported from foreign countries, which are first paid by the merchant importers, and then

by them added to and blended with the prices of the articles imported; so that the people at large who use and consume them, cannot distinguish the taxes from the prices of the articles themselves; and being thus paid insensibly, they occasion no murmurs or discontent; and the less, because as to many articles which are more of luxury or convenience than necessity, they may be purchased or not at the pleasure of every citizen. —But when a government lays *direct taxes*, for example, a certain sum on every man's head (thence called a *poll* or *capitation* tax) or certain sums on his house, his land, his horses and cattle —he knows precisely the amount of his taxes; and if these be heavy, discontent is not an unusual consequence. Yet sometimes necessary wars (such as that of the American revolution) and defensive wars in general, are of such extent and long continuance, as to require large revenues, and proportionably heavy taxes. Now if the whole of the taxes in such cases were imposed upon goods imported from other countries, great portions of them could never be collected: the temptation to *run* or smuggle the goods into the country, and thus evade the taxes altogether, would be so great, as with many to be irresistible. If, for instance, a tax (more commonly called a *duty*) on any imported article, be twenty-five per cent (or one fourth) of its value; and it may be brought on shore and concealed from the collectors, at a risk not exceeding ten or fifteen per cent.—the probability is, that large portions of all such goods will be smuggled in, without paying any duties at all. The only remedy in this case is, to lower the duties on such articles, so as to approach in their

amount, to the value of the risk of smuggling them. For then the merchant will rather pay the duties than hazard his reputation as well as his goods, for the small gain which might be made by smuggling. It is a well known fact, that in Great Britain, where frequent wars have demanded immense revenues, that the duties on some goods imported were so high as to occasion very extensive smuggling, to the serious loss of revenue." And the government by lowering the duties actually collected more money.

I have gone into this detail to give some idea of the powerful reasons which induced Washington's administration, at a time when our revenues from commerce were comparatively small, and the public expenditures unavoidably great, to raise a part of the necessary revenues by other taxes than those on goods imported: lest the increasing of the latter to the extent of the public wants, should put in jeopardy the whole system, by the temptation it would have given to smuggling. And that this policy was correct, is demonstrated by its effects: for probably in no country in the world were the duties on goods imported so universally and honourably paid as in the United States. The system fairly established, and the habit of regular paying once fixed, the same duties admitted of a gradual and moderate increase. And had the same system been continued; had not Mr. Jefferson, with other views than to save the persons and property of the people, caused the embargo to be imposed, that honourable payment of duties would have been continued. But his total prohibition of trade, by which hundreds of thousands of our citizens gained a livelihood, being long continued (for a temporary em-

bargo would not have answered the purposes of Bonaparte, in forming his system to destroy the commerce and the power of Great Britain) produced such general distress as to be no longer tolerable. The embargo laws were broke, the practice of smuggling introduced, and the morals of the people corrupted. Indeed if WASHINGTON could rise from the dead, and devote another forty-five years to the service of his country, and administer the government with his unsullied purity and patriotism—he could not repair the waste of virtue, and banish the corruption of morals, introduced in Mr. Jefferson's ten years' administration.

But to return. When Mr. Jefferson had paved the way for his ascending to the Presidency, by various arts, among others by encouraging or countenancing the popular discontents respecting taxes;\* one of his first acts as President was, so fulfil the expectation—generally and industriously excited to increase his popularity—of a repeal of the internal taxes, which he accordingly recommended and effected.—Fortunately for him, he entered on the Presidency at a time when the United States were in the enjoyment of peace, and when they were (as he himself said) “in the full tide of successful experiment, under the government which had so far kept us free and firm,” and when our “Agriculture, Manufactures, COMMERCE and NAVIGA-

\* In his letter of Oct. 6, 1799, to Callender, Mr. Jefferson says, “I thank you for the proof sheets [of the ‘Prospect before Us’ containing the infamous slanders on Washington and Adams] you inclosed to me. Such papers cannot fail to produce the best effect. They inform the thinking part of the nation; and these again supported by the *tax gatherers* as their vouchers set the people to rights.”



tion, the four pillars of our prosperity," \* were in the most flourishing condition; and, when our revenues rapidly increasing, rendered practicable a diminution of the taxes. But whether such a *total* repeal was correct—whether sound policy, in reference to future contingencies of war or essential reductions of commerce, did not require discrimination and reserve, Mr. Jefferson did not consider; or if he did, every thing was made to yield to his personal views at the moment.

The very prosperous state of our commerce and navigation, when Mr. Jefferson became President, *while it was left unshackled by our own government*, justified, perhaps suggested his remark, "that they were then most thriving when left most free to individual enterprize." \* Bonaparte had a little before entered on his political career as First Consul of the French Republic; and commerce was still allowed to "thrive." It was not till November, 1806, after he had overturned the Prussian monarchy, that he formed his "Continental system," for restricting commerce or annihilating it, directly for the purpose of crippling or destroying the commerce of Great Britain, which he considered as the vital principle of her power. To render this system effectual, he said, "its execution must be complete." —"The principal powers of Europe had adopted it." The concurrence of the United States (whose commerce then surpassed that of any other nation, that of Great Britain excepted) was necessary to render the execution of Bonaparte's system complete. And within less than three months afterwards, and in four days after the arrival of dis-

† Mr. Jefferson's first message to Congress, Dec. 8, 1801.

patches at Washington, by 'Mr. Jefferson's special messenger from Paris, his embargo was recommended to Congress, and the bill for imposing it passed the Senate on the same day.

The unpopularity of the internal taxes (however necessary and prudent in their establishment) we have seen that Mr. Jefferson well understood. Yet the direct tax on houses, lands, &c. originated, if I mistake not, with Mr. Jefferson's own party; and I believe Mr. Madison (then in the House of Representatives) reported a resolution for the direct tax. The journals of Congress (which I have at hand) will show. Perhaps it was an artifice to add to the existing unpopularity of the federal administration respecting internal taxes. A direct tax was laid in exact conformity with the constitution, which declares that representatives and direct taxes shall be apportioned from the several states according to their respective numbers, or population. It was then said by Mr. Jefferson's partizans that the taxes ought to be *direct*, that the people might *know* and *feel* what they paid. But these gentlemen have since taken care to repeal every such tax; *and now dare not propose any tax which the people can know and feel.* Instead of which, they have contemplated a vast addition to the duties already laid on imported goods—even at the hazard of encouraging smuggling, which would occasion losses probably beyond such legislative additions. Possibly the fear of this may hitherto have prevented the projected increase of the duties. Instead of which, or of any other sort of taxation, they have had recourse, *in time of peace*, to the borrowing of several millions of dollars, for the ordinary expenditures of the government!

We now see the reason why the government is determined "not to protect commerce by force," nor "risk a war until our resources are sufficient to defray the expences without creating burthens to make them unpopular." But our ordinary resources *never* will be sufficient to defray the expences of war: the government know it: and the conclusion is unavoidable; That notwithstanding all their blustering (and there has been enough of this to make us ridiculous in our own eyes as well as in the eyes of foreign nations) our government are determined to submit, as they have submitted, to every sort of insult and injury, rather than go to war: for war will require more taxes, and taxes may render them unpopular. They choose rather to flatter the People to their ruin—than tell them the truths necessary for their safety, because the latter may prove unpleasant, and perhaps occasion some upbraidings of their deceivers.

Thus a course of thinking and of opinions having been industriously effected by Mr. Jefferson and his fellow-labourers, as the means of rising to the supreme power; and these opinions, in opposition to the system of administering the government which under WASHINGTON was judged essential to the public safety and welfare, having been long and zealously inculcated by the leaders of that opposition—they have become the fixed creed of the People. And now these same leaders dare not attempt to correct those erroneous opinions although they hazard the safety and independence of the country—as they have already caused the sacrifice of its interests and honour.

TIMOTHY PICKERING.

## LETTER XII.

FELLOW CITIZENS,

AMONG the topics which I proposed to discuss, I mentioned the *embargo*: and that I would prove to you, that it was not imposed "to keep in safety our vessels, our seamen, and merchandize," as Mr. Jefferson pretended, when he recommended that measure to Congress. The embargo law has indeed been repealed; but as all the laws since passed by our government to shackle our commerce, have grown out of that deceitful measure, it is necessary to bring it under review. Besides, it will contribute to the display of Mr. Jefferson's real character.

## THE EMBARGO.

On the 18th of December, 1807, President Jefferson sent to Congress the following message:

*To the Senate and House of Representatives of the United States.*

The communications now made, shewing the great and increasing dangers with which our vessels, our seamen, and merchandize, are threatened on the high seas, and elsewhere, from the belligerent powers of Europe; and it being of the greatest importance to keep in safety these essential resources, I deem it my duty to recommend the subject to the consideration of the Congress, who will doubtless perceive all the advantage which may be expected from an inhibition of

the departure of our vessels from the ports of the United States.

Their wisdom will also see the necessity of making every preparation for whatever events may grow out of the present crisis.

I ask, a return of the letters of Messrs. Armstrong and Champagny, which it would be improper to make public.

TH. JEFFERSON.

Dec. 18, 1807.

The communications accompanying the message consisted of four papers, which I describe, as far as was then permitted, in my letter of February 16, 1808, to the late Governor Sullivan.

1. A proclamation, dated Oct. 16, 1807, by the king of Great Britain, requiring his *natural born* subjects, sea-faring men, serving on board the ships of war, or merchant vessels of any foreign states, to return and aid in defence of their own. The right to issue such a proclamation, no well-informed man will question. It is a right exercised by the European Nations generally, perhaps universally, when they engage in war; and it is a right of peculiar importance to Great Britain at a time when her safety is menaced and endangered by the most formidable power which has ever existed in Europe. Thus far there seems to be nothing in the proclamation against which any one can take exception.—But it authorises and directs the continuation of impressments of British *natural born* subjects from *merchant* vessels.—What are the rights of Great Britain in this case, and what the rights of neutrals, is a very important

question, which would demand a separate discussion. It is sufficient at present to say, that the danger of impressments of American seamen was not *increased*; on the contrary, the precautions enjoined by the proclamation would lead to the conclusion, that the danger was *diminished*; and such I believe to have been the fact.

2. The second paper of the communication was a letter (bearing date September 18, 1807), from the French grand judge, Regnier, to the imperial procureur (or attorney) general of the Emperor's council of prizes, containing the Emperor's interpretation of his Berlin Decree of November 21, 1806, concerning which the Council entertained some doubts. To the question, 1, Can armed vessels, under that decree, seize in neutral vessels, either English property, or all merchandize proceeding from English manufactories or territories? the grand judge answers---“ His majesty notifies to me, that since he had not thought proper to express any exception in his decree, there is no ground to make any in the execution with respect to any thing whatsoever.” “ 2. His majesty has not decided the question whether neutral vessels going to or from England, although they have no English merchandize on board.”

Of these two papers, no secret was made; and for a plain reason, that British proclamation had many days before been published in the newspapers [the copy laid before Congress by the President had been cut out of a newspaper;] and so had the substance, if not the words of Regnier's letter. But they had excited little concern among our merchants and seafaring people, because they saw in the proclamation, not an *increased*, but a *diminished* danger of impressments; and they knew that the Berlin Decree and

the Emperor's interpretation of it, though violating our rights by treaty with France, and the law of nations, would not endanger many of our vessels, seeing the number of French armed vessels, commissioned to capture them, was not very considerable. That Bonaparte has possessed himself of so many vessels and so much merchandize of our citizens, has been chiefly owing to his practising various deceptions, against which our government interposed no effectual guard; on the contrary, their negotiations and proceedings in relation to France, rather tended to put our citizens off their guard, and to render them insensible to the imperial snares in which so many have been caught.

The *Third* paper was a letter from General Armstrong to the French minister Champagny; and the *fourth* Mr. Champagny's answer. On these two last papers, I made the following remarks, in my last letter to Governor Sullivan before mentioned, viz. "Both these ought, in form or substance, also to have been made public. The latter [Champagny's answer], would have furnished to our nation some idea of the views and expectations of France. But both were withdrawn by the President, to be deposited among other executive secrets, while neither presented any *new* ground to justify an embargo." Why these two papers were *for a time kept secret*, you will presently see. But first be pleased to read the letters themselves.

*General Armstrong's Letter to Mr. Champagny.*

SIR,

Paris, Sept. 24, 1807.

I have this moment learned, that a new and extended construction, highly injurious to the commerce

of the United States, was about to be given to the Imperial Decree of the 21st of November last. It is, therefore, incumbent upon me to ask from your Excellency an explanation of his Majesty's views in relation to this subject, and particularly whether it be his Majesty's intentions, in any degree, to infract the obligations of the treaty now subsisting between the United States and the French empire?

I pray your Excellency, &c. &c. &c.

(Signed)

JOHN ARMSTRONG.

*His Excellency the Minister of Foreign Relations,  
Mr. Champagny's Answer.*

SIR,

Fontainebleau, Oct. 7, 1807.

YOU did me the honour, on the 24th of Sept. to request me to send you some explanations as to the execution of the Decree of Blockade of the British islands, as to vessels of the United States.

The provisions of all the regulations and treaties relative to a state of blockade, have appeared applicable to the existing circumstance, and it results from the explanations which have been addressed to me by the Imperial Procureur General of the Council of Prizes, *that his Majesty has considered every neutral vessel, going from English ports, with cargoes of English merchandize, or of English origin, as lawfully seized by French armed vessels.*

The Decree of Blockade has been now issued eleven months. The principal powers of Europe, far from protesting against its provisions, have adopted them. They have perceived that its execution must be complete, to render it more effectual; and it has seemed easy to reconcile these measures with the observance of treaties, especially at a times when the



infractions, by England, of the rights of all maritime powers, render their interests common, and tend to unite them in support of the same cause.

Accept, &c. &c.

(Signed).

CHAMPAGNY.

His Excellency General Armstrong, Minister  
Plenipotentiary of the United States.

Every reader can now judge of the correctness of my observations on these letters, made more than three years ago. He will see that the only subject of Armstrong's letter, was the Emperor's interpretation of his Berlin Decree, stated in Regnier's letter, of which (as I have already remarked) no secret was made; and that Champagny's answer repeats the Emperor's decision: and so far neither contained any secret. But mark the last paragraph of Champagny's letter, of which I said, that it "would have furnished to our nation some idea of the views and expectations of France." I now add, that it also presents to us an idea sufficiently clear of *Mr. Jefferson's views* in recommending the permanent embargo—viz. to co-operate with the principal powers of Europe in rendering "complete," and consequently "more effectual," the French Emperor's Decree of Blockade of the British Dominions. This it behoved Mr. Jefferson to keep out of sight: and who can doubt that this was one of his motives for withdrawing Champagny's letter—and Armstrong's of course? In the same letter to Governor Sullivan, authorized by the paragraph of Champagny's letter I am now considering, and other circumstances at the time, I asked these questions:—"Has the French Emperor declared *that he*

*will have no neutrals\*?* Has he required that our ports, like those of his vassal states in Europe *be shut against British Commerce?* Is the embargo a *substitute*, a *milder form* of compliance with that harsh demand, which if exhibited in its naked and insulting aspect, the American spirit might yet resent?"

In saying that neither Armstrong's nor Champagny's letters "presented any *new* ground to justify an embargo," I meant, and so, I presume, it must have been universally understood, that they presented no *new* ground to justify an embargo *for the interests of the United States*. These interests required the publication of those letters, with a suitable comment by the President, that our citizens might have seen what were the views and expectations of the French Government; and *resistance to, not compliance with* those views, was demanded by our interest, our honour, and our safety.

That these letters, *unconnected with the embargo*, required no secrecy, *even in Mr. Jefferson's opinion*, we now certainly know; for just three months after

\* That the French Emperor said "there should be no neutrals," we learnt by the same vessel which brought Armstrong's and Champagny's letters.—It was afterwards gravely denied that Bonaparte had said "there should be no neutrals;" but we have since seen, under the hand of General Armstrong, our minister at Paris, the Emperor's declaration—"That the Americans should be compelled to take the positive character of either *Allies or Enemies*." This solemn declaration of the Emperor *in his council*, it is true, is mentioned by General Armstrong as having been made at a subsequent period: but the previous report that he had said "that there should be no neutrals," being precisely the same, and perfectly characteristic of the Emperor, I presume no one can doubt that it was his previous declaration which gave rise to the report.

he had recommended the embargo, he himself communicated them to Congress for the very purpose of being published. But mark how they were communicated—huddled in with a large mass of other papers, relating to British as well as French negotiations and proceedings; without the least intimation that he had before presented them to Congress, together with the British proclamation and Regnier's letter, as the grounds of the embargo\*! And certainly no person unacquainted with the secret could have suspected that Armstrong's and Champagny's letters were used as the principal grounds of the embargo. Why then did Mr. Jefferson withdraw them, saying it would be improper to make them public? For two reasons—to conceal his apparent concurrence with the views of the French Emperor—and to wrap up the embargo in mystery, which astonished and confounded the people, and induced their acquiescence in the measure. For the measure was public, and to go out to the people with the notice, that it would be improper to publish Armstrong's and Champagny's letters, or even to suffer them to remain any where but in Mr. Jefferson's own cabinet; whence the natural inference would be, that these papers containing the strong reasons for the embargo, but of a nature dangerous to be disclosed. And doubtless, in regard to his own views, Mr. Jefferson judged correctly. The publication of these two letters, as grounds of the proposed embargo, might have put the project in jeopardy. For although the implicit confidence of the majority in the wisdom and patriotism of the President, with

\* It was a common artifice of Mr. Jefferson to accompany his communication relative to *France* with something *British* to divert the attention of Congress and the people from the former to the latter.

*some other considerations*, assured its adoption in Congress; yet for its final success it was necessary that the blind confidence of the people, whose pecuniary interests would be so directly and essentially affected, should also be retained. But the *immediate* publication of Champagny's letter *as the ground of the embargo*, might have too clearly indicated, to some sagacious citizens, not members of Congress, and who would discuss the point with more freedom, the real motive of Mr. Jefferson in recommending it; and by its exposure have hazarded, not only the measure itself, but the popularity of its author; *before the PASSIONS OF HIS PARTY had been enlisted in its favour*. And this stratagem was crowned with a success truly incredible, had not the experiment verified it as a fact. The extraordinary spectacle was exhibited of a nation, with more vessels and property, and a greater portion of the people engaged in foreign commerce, than any other on the globe, the British excepted, submitting, for upwards of a year, to the total stagnation of that navigation and commerce, *without knowing WHY the immense sacrifice had been required!* A majority of the nation thought to repose entire confidence in the wisdom and patriotism of the President, were induced to believe his declaration that "great and increasing dangers to our vessels, seamen and merchandize," rendered the embargo indispensable. While he knew, and all who read Armstrong's and Champagny's letters well know, that they exhibited no dangers requiring an embargo. All the increased danger was exhibited in the letter of Regnier, stating the Emperor's decision on the meaning of his Berlin Decree; and that every merchant knows was considerable; even as the dust of

the balance, comparative with the whole of our foreign commerce laid prostrate by the embargo.

The official translation of the fifth article of the Berlin Decree is in these words: "The trade in English merchandize is forbidden. All merchandize belonging to England, or coming from its manufactories or colonies, is declared lawful prize." This is the article on which the grand Judge Regnier delivered the Emperor's decision, of which General Armstrong asks of Mr. Champagny an explanation "particularly whether it be his Majesty's intention in any decree, to infract (break or violate) the obligations of the treaty now subsisting between the United States and the French empire?" To which Mr. Champagny answers, by a repetition of the Emperor's decision. It was perfectly immaterial to whom the merchandize belonged: though to the citizens of the United States it was lawful prize, if it consisted of the manufactures or produce of England or her colonies. Now by our treaty with France, ratified by Bonaparte himself, we have a right to load our vessels with English manufactures and produce, not only when these belong to the citizens of the United States, but even when they remain the property of the British; and to capture them, because they are British property, is a direct violation of our treaty with France. But treaties and promises have long since ceased to bind the Rulers of the GREAT NATION. Bonaparte and his predecessors, the Directory, have been alike perfidious; and this Mr. Jefferson and Mr. Madison perfectly well know.

Mr. Madison [letter of May 22, 1807, to General Armstrong] calls the Berlin Decree, "a gross infraction of neutral rights." And in a subsequent letter [February 8, 1808,] referring to the Emperor's con-

struction (above stated) of this Berlin Decree, says, "it violates as well the positive stipulations of the Convention of September 30, 1800 [our last and only existing treaty with France] as the incontestable principle of public law. And yet the French minister, Champagny, we have seen, has the effrontery to say, "It has seemed easy to reconcile these measures (in executing the Berlin Decree) with the observance of treaties."

But I must again recur to Mr. Jefferson's message. Every reader will bear in mind that the four papers therewith communicated, were offered as the *sole ground* for laying an embargo. He said *they* "shewed the great and increasing dangers with which our vessels, our seamen and merchandize was threatened on the high seas and elsewhere, from the belligerent powers of Europe." I have shewn that the terms of the British Proclamation manifested a *lessening* not an *increase* of dangers to our *seamen*; and it had no relation to *vessels* or *merchandize*. The other three papers regarded the French; and these then, if any, must show the "great and increasing dangers" mentioned by Mr. Jefferson. Now take his own opinion of the Berlin Decree, and of the French Emperor's construction of it, as expressed in Mr. Madison's letter to General Armstrong, dated February 8, 1808, in which he says, "the conduct of the French government, in giving this extended construction to its decree, and indeed in issuing one with such an apparent or doubtful import against the rights of the sea, is the more extraordinary, *inasmuch as its inability to enforce it on that element, exhibited the measure in the light of an EMPTY MENACE.*" So now we see that the Berlin Decree and its extended construction, which "showed the great and increasing

dangers to our vessels, seamen and merchandize," amounted to—What? "an EMPTY MENACE!" because of the Emperor's INABILITY to enforce the execution of his decree upon the sea. And in his letter to Mr. Erskine, the British Minister at Washington, Mr. Madison says, "France was without the means to carry the Berlin Decree into effect."

And what opinion, Fellow Citizens, can you now form of the "illustrious Jefferson." He alarms you with dangers which he knew did not exist; and professing a tender concern for the preservation of our vessels, seamen, and merchandize, "these essential resources," recommends an embargo! In this single transaction (if other instances were wanting) you have full evidence of hypocrisy, and duplicity, and deceit, and assumed patriotism—assumed as a screen, behind which he contrived a scheme dishonourable to the nation, and pregnant with ruin. For nearly all the losses and sufferings of our seamen, merchants, and other citizens, with the ruin of many, and the failure of the public revenues, have grown out of the embargo—that fruitful mother of all the plagues by which, in the name of acts of Congress, imposing prohibitions and restrictions, our commerce and fisheries have been laid waste.

One plain, but very important inference, remains to be noticed and impressed. As you have now seen Mr. Jefferson's alleged ground of the embargo to be deceitful and false, it will be natural to inquire, what was the reason for inducing him to recommend the embargo! As I cannot suppose the worst of men to act without a motive, so Mr. Jefferson must have had some strong one to have taken so bold a step as to impose the embargo, such as we have seen it in its intended duration (which was purposely without limi-

Mr. Champagny's letter of October 7, (while you indulge me in some repetitions), and see whether the motives I have detailed be not manifest.

The object of the Berlin Decree is plain---it was avowed by Bonaparte, viz. to cut off all trade of his subject, allies, and *neutrals*, with the British dominions, thinking by that means to ruin the commerce and destroy the power of Britain. Against this monstrous decree, violating our rights by treaty and by the law of nations, General Armstrong complained. In the answer of Mr. Champagny we are told, "the Decree of Blockade has been now issued eleven months. The principal powers of Europe, far from protesting against its provisions have adopted them. They have perceived that its execution must be complete, to render it more effectual, and it has seemed easy to reconcile these measures with the observance of treaties, especially at a time when the infractions by England of the rights of all maritime powers *render their interests common, and tend to unite them in support of the same cause.*" Here we find the motive for the embargo. The principal nations of Europe had adopted the decree, but to render it more effectual "its execution must be completed." It could not be complete while the United States carried on their extensive trade---equal, if not superior, before the fatal embargo to that of all Europe, the British islands excepted. The facts to be found in Mr. Jefferson's own official communications to Congress leave us at liberty to form no other conclusion than this---"That he recommended the embargo in order to render the operation of the British Decree complete." Recollect what I have before mentioned (in Letter XI.) that in less than three months after the date of Champagny's letter, and in four days after its arrival, with the other



dispatches at Washington, Mr. Jefferson recommended the embargo. Four days (as I had occasion long ago to remark), gave little enough time to digest and mature **SUCH A PLAN**; and that the people of the United States would have been shocked at an open proposition to shut their ports against the English commerce, and abandon all trade, at the command, or invitation of the French Emperor; they would not have endured it. The measure could be accomplished only by an embargo—an indefinite embargo—and that wrapped up in the mystery which I have attempted, and I trust successfully to unfold.

**TIMOTHY PICKERING.**

### LETTER XIII.

**FELLOW CITIZENS,**

IN my last letter I mentioned the declaration of Mr. John Quincy Adams, while a Senator in Congress—that the British Orders in Council of Nov. 11, 1807, were not only a cause, but a principal cause of the embargo. His words are, that they, “stand in front of the real causes of the embargo\*.” And again he says, “These orders and the subsequent retaliating decrees of France and Spain [Bonaparte’s Milan Decree of Dec. 17, 1807, and that of Spain, its echo, bearing date the 3d of January following] have furnished *the only reasons* upon which I have acquiesced in its continuance to this day.” Here I pray it may be observed, that Mr. Adams, the advocate for the

embargo, has confirmed my statement, that the four papers communicated by Mr. Jefferson, when he recommended the embargo, did not furnish sufficient ground for its adoption by Congress—or rather, that they furnished *no ground at all*. For the British Orders in Council, and the Milan Decree, and the corresponding decree of Spain, furnished *the only reasons* for his acquiescing in the continuance of the embargo. Now as Mr. Jefferson's four papers remained in force precisely as when he communicated them, and yet furnished no reason for *continuing the embargo*, they could have furnished no reason for *originally imposing it*.—For recollect that it was “the great and increasing dangers to our vessels, seamen and merchandize,” *shown in those papers*, on which Mr. Jefferson *professed* to recommend the embargo. And these dangers, whatever they were, continued the same.

But to return to the British Orders in Council. If, as Mr. Adams has asserted, “they stood in front of the real causes of the embargo,” who that has witnessed the promptitude and eagerness with which Mr. Jefferson has always seized on every fact and circumstance to awaken and aggravate the public irritations against Great Britain, will believe that he would have been silent respecting those orders! But, says Mr. Adams, “they had not been officially received:” and this he offers as a reason why Mr. Jefferson did not mention them. I ask, then, why he communicated the British King's Proclamation of October 16, 1807? Had that been officially received?—No. Mr. Jefferson had seen it, as thousands of our citizens had seen it—in the common newspapers—from which he cut two copies, and sent one to each House of Congress, with his other flimsy pretences for an embargo. If

the mind of Mr. Jefferson was impressed with an idea of the dangerous nature of those orders, though resting only on newspaper report: if the apprehension of them really influenced his mind, as Mr. Adams says they influenced *his*, more than all the *communicated* causes of the embargo; why should he, by his silence, withhold their influence from Congress? Was it unlawful or improper that *their* minds should be influenced by a consideration which powerfully impressed *his own*? If the orders in council were at all in his contemplation, and really constituted a motive for the embargo, what objection could exist to his informing Congress, that such were the intimations in newspapers; and expressing his opinion that they furnished an additional reason for laying an embargo?—The truth is, those newspaper intimations, if they had ever been seen by the President, were entirely disregarded when he recommended the embargo. His attention was arrested by the communications he had received four days before from France; and his thoughts were busily employed in preparing for the adoption of an embargo—an embargo upon a novel principle—to change a *temporary* detention of our vessels at home—which was the universal understanding of the nature of an embargo\*,—into an unlimited suspension, or interdict of all foreign commerce! in reality a *permanent embargo*! a thing never before heard of! but which, under the simple name of *embargo*, contributed to deceive the people into a belief that it was but a temporary mea-

\* While the Embargo Bill was before the House of Representatives, a motion was made, (and by a democratic member) to limit the continuance of the embargo to sixty days: but the motion was not carried, by a majority of nearly two to one.

sure; and so to induce their acquiescence. Even Mr. Adams admits *that* to have been the impression on his own mind. In his letter to Mr. Otis, he says—"I have, indeed, been myself of opinion that the embargo must *in its nature* be a *temporary expedient*." Yes: and only twenty days from the passing of the Embargo Law, had elapsed, when Mr. Adams offered a resolution for the appointment of a committee to inquire at what period the embargo might, consistently with the public interest, be removed. "But (says he) my resolution met no encouragement." No: a new convert, and still in his novitiate, he was not let into all the secrets of the cabinet; from whose views nothing was more remote than a simple embargo, a temporary suspension of commerce. And as in voting for the embargo he reposed himself, with entire confidence, on the recommendation and superior information of the President: so afterwards, when his proposition in the Senate for fixing the time at which the embargo should have an end, and similar attempts in the House of Representatives, were rejected, or passed by with silent contempt; he, with becoming humility, acquiesced: reposing himself *now* on the superior wisdom of the majorities of the two Houses of Congress.<sup>2</sup>—Yes: When he saw that the embargo had *changed its nature*; that what had been enacted under the *name* of an embargo, was *not* an embargo, but a total, unlimited interdict of all commerce with foreign nations—still his *candid* and *elevated* mind would not descend to entertain *suspicions* of *sinister* views in the Executive and his leaders in the two Houses! The men who had uniformly opposed all the measures deemed by his own father to be necessary for the safety, honour, and interest of our country, as well during Washington's administration

as his own; and a series of artifices perseveringly practised, by which the people were deceived, had finally overturned the federal administration of our government: *these* men, it seems, had exhibited so much wisdom, so much patriotism, and had shown themselves so unambitious, so pure, so disinterested, in their opposition, that to suspect them now of sinister, unfair views, would be improper and dishonourable! Yet Mr. Adams admits "that vigilant observation is at *all times*, and suspicion may occasionally become necessary, upon the conduct of men in power." And of all men suspicion should have attached to those who ascended to power by the steps to which I have so often alluded, and of which he could not have been ignorant.

I presume it has been satisfactorily shown, that the rumoured British Orders in Council did not enter into Mr. Jefferson's views in recommending the embargo. Perhaps it will also appear that they were not in the contemplation of Mr. Adams when he gave his zealous assent to it; although he says these orders "formed to his understanding a powerful motive for assenting to the embargo," and in another place, as I have already remarked, that "they stand in front of the real causes for the embargo." Nay, he goes further, and represents all the other causes as *amounting to nothing*. His words are—"To argue upon the subject of our disputes with Britain, or upon the motives of the embargo, and keep them [the Orders in Council] out of sight, is like laying your finger over the unit before a series of *noughts*, and then arithmetically proving that they all amount to nothing." Keeping in mind these various assertions of Mr. Adams, concerning the British Orders in Council, and their powerful influence on his mind, to induce

him to vote for the embargo, I pray every reader to go back with me to view the original scene of passing the Embargo Bill in the Senate. This scene was represented three years ago, in my correspondence with Governor Sullivan; who having stated to me, that he had a letter from my colleague, Mr. Adams, "who voted for the embargo, and still considered it a wise measure and a necessary one," I was constrained, in my own justification, to detail his conduct on that occasion. I thus wrote to the Governor:—

"In my first letter I informed your Excellency of the haste with which the Embargo Bill was passed in the Senate. I also informed you that 'little more time was repeatedly asked, *to obtain further information, and to consider a measure of such moment, of such universal concern; but that these requests were denied;*' and I must now add, by no one more zealously than by Mr. Adams, my colleague. Hear his words. But even your Excellency's strong faith in the President's supreme wisdom may pause, while independent men will be shocked at the answer of my colleague to those requests. 'The President (said he) has recommended the measure on his high responsibility: I would *not consider*: I would *not deliberate*: I would *act*. Doubtless the *President* possesses such further information as will justify the measure!'" On this extraordinary declaration I made the following remarks: "Need I give to your Excellency any other proof (though other proof abounds) of blind confidence in our rulers? Need I give further evidence of the dangerous extent of executive influence? When the people of Massachusetts see a man of Mr. Adams's acknowledged abilities and learning advancing such sentiments: when they see a man of his knowledge of the nature of all governments, and of

his intimate acquaintance with our own free republican government, and of the rights and duties of the legislature; especially of their *right and duty* to *consider, to deliberate*, and according to their *own judgment*, independently of executive pleasure, to decide on every public measure: When, I say, the people of Massachusetts see this, will they wonder if a *majority* in Congress should be *overwhelmed* by the authority of *executive recommendation*? And had I not reason to be alarmed, at the dangerous extent of executive influence, which to me appeared to be leading the public mind, by its blind confidence, to public ruin?"

Such were my reflections in April 1808. The subject now requires some additional observations.

Universal experience, as well as the highest authority, assures us, that "out of the abundance of the heart the mouth speaketh." If, as Mr. Adams represents, the rumoured British Orders in Council were so strongly impressed on his mind as to constitute the most powerful motive for the embargo, is it conceivable, can any man believe, that HE (as well as the President and every other Member of the Senate) would have been absolutely silent concerning them? When the embargo advocates in the Senate were urged to consent to a little delay, for the purpose of obtaining "further information," how could they, with Mr. Adams at their head, withhold their strong impressions, if they existed, respecting the Orders in Council? The orders rested, it is true, merely on newspaper reports; or other unauthorized statements; yet Mr. Adams says, the facts respecting them *were of all the most material*, upon a fair and impartial examination of the expediences of the Embargo Act

when it passed\*. Still, however, not one word was uttered concerning them. Observe, moreover, that Mr. Adams was so far from offering the reports concerning the Orders in Council as grounds for passing the Embargo Bill, that he even disclaimed the knowledge of any facts other than those which the President had communicated; resting the decision on *his recommendation* and the *further information* which, Mr. Adams suggested, the *President* might possess. The inevitable conclusion from these details is, that the British Orders in Council were not even in the contemplation of Mr. Adams himself, when he gave his zealous assent to the embargo. And without imputing it to him a palpable violation of truth, his contrary assertion may be accounted for, by the subsequent actual appearance of the Orders in Council, which the administration and its partisans artfully blended with the original pretences for imposing the embargo: and the warmth of Mr. Adams's passions, and his prejudices, resentments and hatred towards Great Britain, led him also to confound them with his original motives for advocating and voting for the embargo.

But I must again recur to the extraordinary declaration of Mr. Adams, of the ground on which he voted for the embargo, 'The President (says he) has recommended the measure on his high responsibility: I would not consider—I would not deliberate: I would act. Doubtless the *President* possesses such further information as will justify the measure.' The French Emperor has a *legislative* body; but they frame no laws; these are prepared by his ministers, according to HIS WILL; and his *legislators* have the

\* Letter to H. G. Otis, Esq.



honour of giving their assent to them. In what does this practice of a despot and his slaves differ from the principle or sentiment formerly expressed by Mr. Adams in the Senate? It shocked even democracy itself in that body. "However I may VOTE (said a democratic member) *that* is too much for me to *say*." And for my own part I view the sentiment as so abhorrent to the principles of a free government; so derogatory to the character of a Member of Congress; and so disgraceful to a citizen and a man, that I am incapable of conceiving of any counterbalance in official honours and emoluments. An embassy, a judgeship, the presidency, or a throne, to an honourable and independent mind, would in the comparison be "as a drop in the bucket—and the small dust of the balance." Upon the principle advanced by Mr. Adams, what becomes of "the checks and balances, which are the main pillars of his father's great work," on the American Constitution? By the constitution of the United States, the Senate and House of Representatives were intended as checks on the acts of each other, and both as checks on the acts of the President. The sentiment expressed by Mr. Adams resolves the whole business of legislation into the will of the executive. I have been simple enough to suppose it to be the duty of every member of a legislative body, in a free government, to *deliberate* upon the matters recommended by the executive; to *consider* whether the measures proposed were supported by sufficient reasons, and were necessary or expedient for the welfare of the state. I still entertain this opinion, and that an implicit reliance on the executive; a blind adoption of his measures, would be a relinquishment of my independence—a violation of my duty, and a surrender of

the rights of the people. But such old notions are now much out of fashion. Whoever would obtain favour with the ruling power, must renounce them. "There is no getting along, or being any thing, without popularity," was a sentiment once expressed. Mr. Adams will not have forgotten it. And while every thing which Mr. Jefferson did, pleased a majority of the people, the sure way to obtain popularity and executive favour at the same time, was to please the President, and support his measures."

TIMOTHY PICKERING.

#### LETTER XIV.

FELLOW CITIZENS,

A FEW more observations will conclude what I proposed to lay before you relative to the embargo.

If any proof in addition to those already exhibited were requisite to demonstrate that the British Orders in Council of Nov. 11, 1807, did not enter into the consideration of the Executive or of Congress, in imposing the embargo, they may be found in the writings of Mr. Jefferson, and the then secretary of state Mr. Madison. The latter on the 23d of December 1807 (being the next day after the passing the embargo law) thus wrote to Mr. Pinckney, the American minister in London:—"The *policy* and the *causes* of the embargo are explained in the President's message." This message and all the papers it referred to were either copied or described in my No. XII.; and the British Orders in Council not being among them (as it was impossible they should be, for they had not then reached the United States—nor was it known

that such orders had been issued) nor the most distant hint given that such orders were in existence; it follows conclusively that they were not one of the causes of the embargo.

But Mr. Jefferson himself bears direct testimony to the same point. In his public message to Congress of the 2d of February 1808 (more than six weeks after he had recommended the embargo) he for the first time mentions those British Orders in Council, and says—"I transmit them to Congress as a *further proof* of the increasing dangers to our navigation and commerce, which led to the provident measure of the act of the present session, laying an embargo on our own vessels." Thus Mr. Jefferson, who certainly knew *why* and for what *cause* he recommended the embargo, asserts in direct contradiction of Mr. John Quincy Adams, not that the British Orders in Council of November 1811, were an *original cause* of the embargo, but that they were a "further proof" that the embargo was a "provident measure."

It is true, that the language of Mr. Jefferson and Mr. Madison afterwards assumed a somewhat different form; but this proves nothing but the artifice of these gentlemen; for, having long experienced with what facility the mass of the people received the notions with which they wished them to be impressed, they perceived that artifice was better adapted than candour to the promotion of their view. I have already cited Mr. Madison's words, in his letter of December 23d, 1807, to our minister, Mr. Pinckney, in which he says, "the *policy* and *causes* of the embargo are explained in the President's message; but in his letter of February 19, 1808, after the Orders in Council had been received and published, he says—"My last (that of

December 23d) enclosed a copy of the act of embargo, and explained the *policy* of the measure; leaving causes," and introducing the unknown British orders (unknown and unthought of when the embargo was laid) as "among the considerations which *enforced* it." He adds, "the appearance of these decrees, [the British Orders in Council] has had much effect in reconciling all descriptions among us to the embargo, and in fixing, in the friends of that measure, their attachment to its provident guardianship of our maritime rights." That all descriptions of our citizens were ever reconciled to the embargo, is not true: a very large portion, from the beginning, saw in it only folly and mischief; and that it would be (as the event has proved) utterly inefficacious to procure the repeal of the French decrees and British orders: and they also believed, what to every candid mind I presume I have demonstrated, that, (as was said by a democratic member of Congress, when the embargo law was under consideration) "the hand of Napoleon was in it;" that it was an act of co-operation with the French Emperor in his system to destroy British commerce, and with it British power.

Mr. Jefferson's artifice was manifested in his answer of August 26, 1808, to the petition of the town of Boston against the embargo and its numerous additional laws. His words are—"the orders of England and the decrees of France and Spain *existing* at the date of these laws, are still unrepealed, as far as we know." Here indeed is a tissue of deceit—a want of truth mixed with artifice. By saying that those orders and decrees *existed* at the date of the embargo laws, it is plain that Mr. Jefferson meant to convey to the inhabitants of Boston and through them to all persons who should not advert to the distinction be-

tween the *actual existence* and the *knowledge* in the *United States* of the *existence* of those orders and decrees, the idea that they were the *causes* of the embargo laws: and therefore that *these* must be continued while the *causes* remain. But Napoleon's Milan decree, reinforcing that of Berlin, though more outrageous, was in Italy, four or five thousand miles from the city of Washington, on the 17th December, 1807; and it was on the very next day that Mr. Jefferson recommended to Congress to lay an embargo; and the second decree of Spain, adopting the Milan decree, was not issued until the 3d day of January, 1808, twelve days after the embargo law had been passed!

Among the proofs of the embargo being acceptable to the French Emperor, as stated in a former Letter, I omitted his Bayonne decree passed the 7th of April, 1808, directing All American vessels then in the ports of France, or which should thereafter go into those ports, to be seized; because their navigating the seas was contrary to the embargo laws of the United States! And thus while our own government pretended that the embargo was imposed to save our citizens and their property—not from capture by the English only, but from the clutches of the French Emperor—and to force him to revoke his Berlin and Milan decrees; he himself, well pleased with the embargo, passed another decree to enforce its execution! Are the rulers of our nation capable of blushing? Or are they alike dead to the sense of shame, of candour, and of truth?

The embargo having been for three years and upwards a subject of discussion, may now be reviewed with the less interest; but as it was the first signal co-operation (as I trust I have shewn such co-opera-

tion to have been the leading motive) of our government with the Emperor of France, it merited a fresh examination; and the more, as it was the basis of that system of our administration which has ever since harassed and now nearly ruined our commerce, and beggared the nation. The review was also necessary to the display, in one important instance, of the real character of Mr. Jefferson, marked, as I had said it was, with "systematic hypocrisy and duplicity." Facts, have also shewn that, as he gave assurance, Mr. Jefferson's system of measures and Mr. Madison's are the same. Mr. Jefferson's words, in answer to an address from the Tammany Society of Baltimore, are these—"The hope you express that my successor will continue in the same system of measures, is guaranteed, as far as future circumstances will permit by his enlightened and zealous participation in them heretofore, *and by the happy pacification he is now effecting for us.*" This "happy pacification" was the "arrangement" or agreement made with Mr. Erskine, the British minister at Washington, for the revocation of the British Orders in Council and the removal of the restrictions of our non-intercourse law as to Great Britain. "Happy pacification," Mr. Jefferson calls it, with Great Britain on terms which he believed the British government would accept: satisfied that an examination of all his own published statements of his negotiations would produce the like conviction on every candid mind: What if, after collecting his multiplied professions (and they would fill some pages) of his sincere desires to settle all differences and establish harmony between the United States and Great Britain—and his formal instructions to adjust every thing by treaty, what if, after all these professions and proceedings

*towards* such an adjustment; I should show them all to be insincere? and prove, *even by his own confession, that he did not desire any treaty with Great Britain?* This investigation will require more time and deliberation than will consist with detached compositions for a weekly publication.

As to Mr. Madison's "happy pacification," I cannot repress the opinion that he has no right to expect and did not expect its confirmation by the British government; and for the following reasons:

1. Because Mr. Madison knows that a minister plenipotentiary, merely as such received and accredited by the government to which he is sent, has not, by virtue of a general letter of credence, any authority to enter into any treaty or agreement containing stipulations to bind his nation.

2. Because Mr. Madison knows, that besides such a letter of credit, a minister who lawfully enters into such a treaty or agreement, must be furnished with a full or special power for that purpose. In other words, a minister must have *authority* to become a party to a treaty or agreement which shall be binding on his government.

3. Because he well knows that a foreign minister proposing to enter into such stipulations, ought to *produce* his full or special power; and if he does not, that before a treaty or agreement be made, it is the *right* and *duty* of the government to which the offer of the treaty or agreement is tendered, to demand not only a *sight* but the *delivery* and *possession* of the instrument containing such powers. Accordingly, the ministers of two governments who negotiate and form treaties with each other, always *exchange* their powers, that each may have the *evidence* of the authority of the other to treat. But Mr. Madison, in

laying the case of his arrangement or treaty with Mr. Erskine before Congress, after the British government had disavowed and refused to confirm it, (because made in direct contradiction to his instructions) did not pretend that any such powers were exhibited by or required from Mr. Erskine. Mr. Madison therefore had no more, nay, he had less right to complain of that disavowal than would an individual, who makes a contract with the friend of a third person calling himself his *attorney*, but producing no power or letter of attorney for the purpose, having against such third person who should refuse to perform the contract made without his authority or consent.

4. Because the part of the special instructions of Mr. Erskine, acknowledged to have been exhibited on the occasion, contained three *conditions* on which an arrangement for the revocation of the Orders in Council might be made—And all these conditions Mr. Madison had rejected.

5. Because the language in which the agreement on the part of Mr. Madison was concluded, was so indecorous and offensive towards the British government as to render its confirmation highly improbable, if not impossible. And Mr. Madison must be under one of two charges—either of ignorance of the rules of decorum necessary to be observed in negotiations with a foreign government—an ignorance which neither he nor any one who knows him will admit—or that such offensive language was studiously selected in order to defeat the agreement, and render its rejection by the British government certain. But the agreement had produced a most desirable effect favourable to Mr. Madison and the reigning party, in the then pending elections in the great state of New



York—and a like favourable effect on the people throughout the Union; on whom, consequently, the rejection of the agreement would produce fresh and strong resentments against Great Britain, accused as its government would be, of breach of faith, by its “refusal to abide by the acts of its *minister plenipotentiary* ;” as Mr. Madison expressed himself in his message of November 20, 1809, to Congress; thus disingenuously (and disgracefully to a person of his knowledge on the subject) holding up the idea, that a “minister plenipotentiary,” *as such*, had authority to make a treaty or agreement binding on his government; the contrary to which no man knows better than Mr. Madison.

TIMOTHY PICKERING.

## LETTER XV.

FELLOW CITIZENS,

HAVING given you a correct view of the embargo, and exhibited such facts and circumstances as prove beyond controversy, that it was not recommended by Mr. Jefferson, and under his influence passed into a law, for the causes he assigned, but really as a measure of co-operation with the French Emperor, in his system for destroying the *commerce*, and with it the power of Great Britain; the subject next in course is the Non-Intercourse Law, which succeeded the embargo. But an exhibition of this measure, as foolish and absurd as to ourselves it was mischievous, must be postponed, while I present to your consideration

## THE PROJECTED WAR WITH GREAT BRITAIN.

Our rulers have made frequent and ample professions of their *impartiality* towards the two great belligerents, France and Great Britain; and to support this pretension, have charged both with violating our neutral rights, and *affected* to direct their measures for redress equally against both. But I have shown the falsehood of this pretension. The embargo, particularly, so well coincided with the views of the French Emperor, as to meet his entire approbation. His minister, the duc de Cadore, in his letter of August 5, 1810, General Armstrong says, "the Emperor applauded the embargo." But without reciting the numerous instances, which I have observed during an attendance in Congress for the last eight years, but which it would take too much time to collect and present in their just form and colour, of the manifest *partiality* of our rulers in favour of France; I assume it as a notorious fact, demonstrated by their general course of conduct. With the multiplied proofs of such partiality before me, when I saw our rulers shutting their eyes to the greatest enormities, to the most atrocious acts of piracy, robbery and swindling practised by the great Emperor against my fellow citizens; while all the acts of Great Britain of which they complained were monstrously aggravated and distorted, in order to alarm and irritate the people against the only power which stood between us and subjection and slavery to France; I was led to apprehend it was their design to involve the United States in a war with Great Britain. But having since witnessed only a repetition of hard words, the mere swaggering of bullies—with abundant evidences of ill-will,

but without any solid preparations for such a war; knowing also that the treasury was empty; and that with their mischievous interruptions and restrictions of commerce, the public revenues were constantly diminishing; knowing farther their utter dread of imposing *new* taxes which would hazard or destroy their popularity; and believing that a large addition to the old taxes, consisting wholly of duties on goods imported, by the temptation it would offer to smuggling, might rather lessen than increase the actual receipts of revenue: knowing, moreover, the disposition of the people of the United States to remain at peace. From all these considerations I have, for a good while past, been disposed to believe our rulers were really as unwilling as the people were averse, to engage in any war even with Great Britain. In the actual state of things, I have even considered it fortunate that the absurd principle of Mr. Jefferson, *that the public treasury ought not to be RICH, because an accumulation of money might tempt the nation to go to war*, was literally exemplified; he having so managed our public affairs as to empty the treasury, and to compel his successor to borrow several millions of dollars, for the ordinary payments and expenses of the government.

But a late occurrence, the hostile act of Commodore Rodgers in his rencounter with a British sloop of war, has led me into a new train of thought. This rencounter having excited much public sensibility, and being, in my view, pregnant with serious consequences, no other subject demands such immediate consideration.

The meeting of the American frigate *President*, commanded by Commodore Rodgers, with the British sloop of war *Little Belt*, commanded by Captain Bingham, was doubtless accidental: but the circum-

stances under which the frigate sailed, as mentioned in the government paper at Washington, and the facts stated by Commodore Rodgers, in his official letter to the secretary of the navy, leave no room to doubt that his conduct was the result of previous orders from the Executive: in fact, to pursue the British frigate *Guerrier*, which, not long before, had impressed an American citizen from one of our coasting vessels. Commodore Rodgers says he was fourteen or fifteen leagues from that part of our coast called Cape Henry, when a sail was discovered in the east, that he gave her chase and continued it for more than six hours, before he came up with her; the vessel chased, all that time endeavouring to make her escape; for though the commodore could not see him so clearly as to judge what was her size, it is plain she saw the vastly superior size of her pursuer, or she would not have run from her. These and some other circumstances, which may be afterwards noticed, prove satisfactorily that this unwarrantable chase was the execution of previous orders; without which Commodore Rodgers, as commanding a *neutral-armed ship*, would not have felt himself justified in making it. The same government paper confirms this conclusion; for the commodore having requested a formal inquiry into every part of his conduct in the case, that paper informs us that the President refused to grant his request, because he approved of the commodore's conduct. This, indeed, has not been said in that newspaper under the hand of the President, or of the secretary of the navy; because there is a possibility that hereafter it may be convenient to say that the editor made the publication without authority. Certain it is, that although near a month has elapsed, we have heard of no inquiry. I take it for granted there

will be none: for if faithfully conducted, the commodore, for his own justification, would be obliged to produce his orders; which might officially expose the *Executive* to merited censure *for authorizing an act of war.*

Let us for a moment consider the act of *chasing*. In a time of universal peace, if vessels of the same or of different nations were to meet on the high seas, and hail each other, asking their names and of what nation they were, or any other civil questions, no one will assert that either is *obliged* to answer. The not answering may be an evidence of churlishness; but the refusal to answer would not authorize the firing of a single shot. Just as if two citizens meeting on the highway, and one civilly accosting the other, is passed without an answer, and unnoticed—no one would justify the former in using his pistol or his cane to kill or beat the other because he was deficient in politeness. But when a nation is engaged in war, and sends out its armed vessels to cruise on the sea, the common highway of nations, then the right to chase, to hail, to require an answer, to board, and to search, and eventually to attack, accrues to the vessels of the nation at war—because they have a right to capture those of their enemy. For without these rights, a naval war would be useless—or rather could not exist. The neutral armed vessel, on the contrary, seeing her nation is at peace with all other nations, possesses none of these rights—because not necessary to any of the objects of neutrality and peace: on the contrary she is bound to avoid every hostile act, except in her own defence when unjustly attacked. When she meets a belligerent armed vessel, it is a duty if it be demanded, to make known her neutral character, to prevent the shedding of innocent blood, and the

evils of war hazarded by a refusal to answer. As neutral, she has no evil or inconvenience to apprehend by making her neutrality known. She has no right to chase, to hail and insist upon an answer, to board and to search, because she has no right to make a capture. The American frigate, then, having none of these rights, is responsible for all the evils consequent on the chase and the concealment of her neutral character. Commodore Rodgers assigns but one reason for giving chase; and if he had not another resting on special orders from our Executive, he must be personally responsible for the blood that has been spilt. The *chasing* of the British vessel being an unlawful act, the killing of her crew, as the direct consequence of that unlawful act, is murder. And the commodore's conscience, would be ill at ease, but for the orders from his government, which he conceived himself bound to execute.

By his own official report, it appears, that Commodore Rodgers, on the 16th of May, at twenty-five minutes past noon, discovered a sail, when he was himself upwards of forty miles from Cape Henry; and the vessel whose sail he discovered in the east, from his mast-head, must have been many miles farther distant from our coast: that the vessel was standing towards him with a press of sail; that at half-past one o'clock, the symmetry (or just proportions) of her upper sails (which were then distinguishable from his frigate's deck) and her making signals, shewed her to be a man of war: that fifteen minutes afterwards, the commodore hoisted his colours: when the other vessel finding her signals not answered, changed her course, and stood to the southward.

Now we come to Commodore Rodgers's assigned reason for giving chase. "Being desirous of speak-

ing her, and ascertaining what she was, I now made sail in chase;" and he continued the chase until fifteen or twenty minutes past eight, when being distant from seventy to one hundred yards, says the commodore, "I hailed, *what ship is that?* to this inquiry no answer was given, but I was hailed by her commander, and asked *what ship is that?* Having asked the first question (continues the Commodore) I of course considered myself entitled by the common rules of politeness, to the first answer. After a pause of fifteen or twenty seconds, I reiterated my first inquiry of *what ship is that?* and before I had time to take the trumpet from my mouth, was answered by a shot." A shot was returned from the American frigate, and by the Commodore's statement, *without orders*, though just as he was on the point of giving an order to fire a shot in return. And thus commenced the action, which terminated in the killing and wounding of about thirty men of the crew of the British vessel. Such is substantially Commodore Rodgers's account of the chase and the action.

I have already noticed the rights of an armed vessel of a nation at war, on the high seas. She has a right to *chase*, because she is authorized to capture the vessel of her enemy. The commander has a right to *hail and to require an answer, that he may avoid the attacking of a friend or of a neutral*. If an answer be refused, he had a right to consider the vessel hailed as his enemy: and consequently to attack, and take her if he can, or to defend himself and prevent the capture of his own vessel. But, I repeat, none of these rights belong to an armed vessel of a neutral nation. And if by the refusal of the latter to answer and declare her neutral character, an attack ensues, the blame will rest wholly on the neutral. Whether

in the case under consideration the blame should *originally* attach to Commodore Rodgers, or to the President and Secretary of the navy, or to all of them, will depend on the orders given to the Commodore. That his orders authorized and required the chase of a British armed vessel I cannot doubt. 'Unless furnished with positive evidence, I shall not be inclined to believe that Commodore Rodgers acted in this case without special orders; and the declared approbation of the President is an evidence that he obeyed the spirit of his orders. Or if he had not such special orders, the President by his approbation, has adopted and made the act his own—that is, the act of the United States (represented by the President) *for which the nation is responsible, and for which an explanation and satisfaction will be demanded—and by our government REFUSED.*' The grounds on which I have formed and expressed this opinion, and why satisfaction will be refused, will be given in my next address.

TIMOTHY PICKERING.

## LETTER XVI.

ON THE PROJECTED WAR WITH ENGLAND.

FELLOW CITIZENS,

IN my last address I gave an account of the engagement between the American frigate *President*, Commodore Rodgers, commander, and the British sloop of war *Little Belt*, Captain Bingham, commander, and the reasons on which I pronounced the proceedings on the part of the American frigate unlawful and *an act of war*. I also remarked, that those proceedings



originated, unquestionably, in the Orders of the Supreme Executive Power of the United States, for which *they* consequently are responsible—of which an explanation will be required—and for which satisfaction will by the British government be demanded—and by our government refused. I am now to exhibit the grounds of this opinion, and particularly why satisfaction being demanded will be refused.

I again take up the official report of Commodore Rodgers. His reasoning at the instant the action commenced, by a shot (as he states) from the Little Belt, is not a little singular, and requires particular notice, as indicative of the temper in which his orders were conceived and executed.—“When the first shot was fired (says the commodore) being under an impression that it might possibly have proceeded from accident, and without the orders of her commander, I had determined, at the moment, to fire only a single shot in return; but the immediate repetition of the previous unprovoked outrage induced me to believe, that the insult was premeditated, and that from our adversary being at the time as ignorant of our real force as I was of his, he thought this, perhaps, a favourable opportunity of acquiring promotion, although at the expence of violating our neutrality and insulting our flag.”

Here I must take leave to ask a few questions. As the commodore's impression was, that the first shot from the Little Belt might have proceeded from accident, and he was within speaking distance, why, instead of first asking an explanation, did he determine to return even a single shot? Was it the part of a commander possessing (as he says of himself, and I doubt not truly—but he had orders which he felt himself bound to obey) “an humane and generous heart,

determined not to spill a drop of blood unnecessarily," to return a shot which might spill the blood of more than one man, when a declaration of his neutral character, which it was his duty to have made, would have prevented the spilling of a single drop, and all the serious consequences which ensued, and the still more serious in prospect?—Why did the commodore think the firing of the first gun "an unprovoked outrage?" Was it possible for Captain Bingham to imagine the commodore's ship to be a neutral? After having been hard chased by her for more than six hours; and after seeing her, when within a mile and a half, taking the precaution to get *the weather gage*, the position to windward the most advantageous for action, which (the commodore says) the commander of the chase (Captain Bingham), from his manœuvres, during half an hour, appeared anxious to prevent; in a word, after observing the commodore's movements and conduct, during six hours and a half, to be precisely those of an enemy; after hailing "what ship is that?" to ascertain whether she was a friend or a foe, and the commodore had refused to answer; what other possible conclusion could Captain Bingham form, than that the commodore's frigate was an enemy? And by what rule of war, or of common sense, can the firing of a shot at an *enemy* be pronounced "an unprovoked outrage?" And why, because under such circumstances, the firing was repeated, should the commodore "believe the *insult* was *premeditated*?" And why should the commodore imagine, that Captain Bingham began the attack under the idea that it was "a favourable opportunity of acquiring promotion by violating our neutrality and insulting our flag," when Captain Bingham must necessarily have believed the commodore's frigate to be an *enemy*? Why should

Captain Bingham he required to see the American stars in the *President's* flag, when the commodore states that he had never been able to see the distinctive national marks in the flag of the *Little Belt*? But although the commodore could not see the size and force of the *Little Belt*, it is certain that Captain Bingham saw clearly the formidably superior size and force of the commodore's ship, or he would not have run from her. For this reason, when the commodore came along side, Captain Bingham aimed all his shot at the spars and rigging of the *President*, in the hope, by some lucky shot, to disable her, and then to effect her escape. And are the endeavours of Captain Bingham during more than six hours running to get away from the *President*, an evidence to the commodore's mind, that the captain was eager to attack in the hope of acquiring laurels and promotion? and "at the expence of violating our neutrality and insulting our flag?" The commodore says, that when the first shot was fired (it being fifteen or twenty minutes past eight in the evening, and the two ships distant from seventy to one hundred yards from each other), Captain Bingham was as ignorant of the real force of the *President*, as the commodore was of that of the *Little Belt*. How then (upon the commodore's ideas) should Captain Bingham dream of acquiring laurels and promotion by his attack, when it might turn out to be an attack on a vessel of much inferior force to his own? The commodore will certainly judge more correctly in his own case, and not expect an admiral's flag for "riddling" the little ship *Little Belt*, and killing and wounding thirty of her crew. But how are we to account for such strange ideas of Captain Bingham's motives for his attack, gaining in a moment the possession of the commodore's mind? He declares, that "neither his

passions nor prejudices had any agency in this affair :” and yet he conceived that Captain Bingham, though necessarily taking him for an *enemy*, intended, by attacking him, “ to violate the neutrality and insult the flag of the *United States!*” • After the action was over, after the commodore had made such havock among the crew of the *Little Belt*, he again hailed, “What ship is that?” and then “learned, for the first time, that it was a ship of his Britannic Majesty’s.” But had the commodore no misgivings, no previous suspicions as to the national character of the ship he pursued? If he had supposed her to be a French or an American ship (and none other except the British were to have been expected to be off our coast) would he have given either a hard chase of six or seven hours, *purely to gratify his innocent curiosity* “ to speak her and ascertain what she was?” Why should the thought have entered into his head that the ship he had pursued and come up with, meant, by the firing of a shot, to violate the neutrality and insult the flag of the United States, unless he believed her to be a *British* vessel of war? Surely, neither the commodore nor any of his political friends would entertain an idea that a public ship of our loving friend the French Emperor would violate the neutrality of the United States or insult their flag, especially when she was afterwards to find an asylum in our ports. It is true, indeed, that the Emperor had told our rulers that they were a miserable pack—“men without just political views, without honor, without energy:” and the unresenting, abject submission with which they have borne this gross and outrageous reproach, proves, that the Emperor knew well their character, and that his signally contemptuous language was not misapplied. But still, this did

not violate our neutrality nor insult the dignity of our flag. The commodore states, that "previously he had reason to feel incensed at the repeated outrages committed on our *flag* by the *British* ships of war;" and I very much fear, that the readers of his own official report of his rencounter with the British ship *Little Belt*, will be constrained to suspect, *although the commodore himself did not*, that during the whole of this affair, he *felt* that (in pursuance of his orders) he was chasing and fighting a *British* ship of war, and thus avenging the "outrages" at which he had been previously incensed; and that strongly impressed with this idea, *though not himself aware of it*, the commodore thought that Captain Bingham likewise knew, or was strongly impressed with the idea, that the ship at which he fired belonged to the United States, without which impression Captain Bingham could not have intended to violate their neutrality and insult their flag. If the commodore's own statement will admit of an interpretation different from that I have given, I shall be very happy to see it. But let us look a little further, and consider his reason for giving chase.

Let it be recollected, that when first descried, the *Little Belt* was so many miles distant as to be discerned only from the commodore's mast-head, and standing towards him, and he, I presume, standing towards her: that about an hour afterwards, her upper sides were distinguishable from the commodore's deck; when she made signals, which not being answered by him, she changed her course and stood to the southward. Then, says the commodore, "being desirous of speaking her, and ascertaining what she was, I now made sail in chase." And so we are to believe, it would seem, that merely from curiosity, to

*speak a vessel at a great distance from him, on the high seas, and to learn her name and to what nation she belonged,* the commodore gave her a six or seven hours chase, and sailed many miles out of his course! for the Little Belt at some fifty miles distance from our coast, ran to the southward, when the commodore gave her chase, although, according to the government newspaper, "he was ordered to put to sea immediately from Annapolis, and resume his former station, (I suppose at New York) cruising along the coast as before, for the purpose of guarding our maritime jurisdiction from violations by foreign cruisers."

The commodore, continuing his details concerning the vessel in sight, remarks, that "the symmetry of her sails and her making signals shewed her to be a man of war." But the commodore knew, that for a long time before, no other than *British* men of war had visited or approached our coasts: hence must have arisen in his mind another violent presumption that the sail he discovered and to which he gave chase, was that of a *British* ship of war. It appears also by the first reports of the battle, at Norfolk, by vessels coming in and which had heard the firing, "that but the day before Commodore Rodgers was spoken, inquiring for a *British* frigate which had been spoken not far off." Let us now suppose that the commodore had commenced the chase of the Little Belt, so much earlier as to have come up with her in broad day-light; and that showing her colours, the commodore had found "to what nation she belonged;" and that the commodore's ship became in like manner known to the Little Belt; and a destructive action had thus been prevented. Suppose then that her captain had asked the commodore why he,

*commanding a neutral ship*, had given him a six or seven hours chase *on the high seas*. Would the commodore have felt satisfied to have answered, "I was desirous of speaking you and ascertaining what you were?" And if the British captain, indignant, as every man of sense and spirit must be, on receiving such an answer, should have told the commodore *it was a most impertinent and unpardonable curiosity*--- could he deny the justness of the charge? or not be mortified by the well-deserved reproach? Is this official reason for the 'chase one which our administration would not feel ashamed to offer to the British minister should he be instructed only to ask an *explanation* of this affair? How much is it to be regretted than an officer whose prowess, in an honourable cause, would do honour to any country, should be drawn aside from the straight, ingenuous path his own heart would pursue, because the sinister views of the men in power, with the official right to command him, require it!

I have gone into so minute an examination of Commodore Rodgers's letter, because, far from furnishing a justification of his proceedings, it officially confirms the reports current at the time of his sailing; that he was sent in quest of the British frigate *Guerrier*, to demand the American citizen she had impressed on the coast; and if his delivery were refused, to attack and take him by force. It was also stated at the same time, in the government paper at Washington, "that it was well understood that the commanders of our public vessels were generally instructed to submit to no question from any foreign (really meaning any *British*) vessel, which shall wear the *semblance* of a threat, in *manner* or words." And so the *peace of our country* is placed at the discretion of each of our naval

commanders! From the whole I infer, that in the case under consideration, *an act of war was intended*; and *an act of war has in fact been committed*, not on the identical ship in contemplation, but still on a *British* ship which will produce the same result. *And I now believe it to be the object of our administration to bring on a war with Great Britain*; but in such a way as may enable them, by their own cunning and the experienced credulity of the people, to impress an opinion that Great Britain is the aggressor, while they, good souls, were sincerely and earnestly seeking reconciliation and peace. With as much brevity as possible I will state my reasons.

In my letter of February 16, 1808, to Governor Sullivan, on the embargo, I asked these questions: "Has the French Emperor declared that he will have no neutrals? Has he required that *our ports*, like those of her vassal states in Europe, *be shut against British commerce*? Is the embargo a *substitute*, a *milder form* of compliance with that harsh demand, which, if exhibited in its naked aspect, the American spirit might yet resent?" We have since learned from General Armstrong's communications to our Executive, that the French Emperor *did* declare, "that the Americans should be compelled to take the positive character of either *allies* or *enemies*." But with all the baseness which Mr. Jefferson's management has infused into the American character, the citizens of the United States were not then sufficiently degraded, in their own estimation, to receive patiently a plain direct proposition to shut their ports against British commerce. It was therefore disguised in the form of an embargo, an embargo which was calculated to produce the same effect, because it had no limitation. But before the close of that session of



Congress, in which it was imposed, as no man of sense out of the cabinet circle could discern any reason for it; and its mischievous consequences were clearly seen; and had began to be experienced, it was found necessary to sooth the people, by holding up a prospect of its real repeal or suspension. This prospect, however, was a deceitful one, because it was made to rest on the future acts of France and England; that is, on the revocation of their decrees and orders affecting neutral commerce. Now Mr. Jefferson knew that the embargo was acceptable to the French Emperor, who, instead of making way for its removal, would choose to rivet it on our necks; and Mr. Jefferson also knew, that as the British Orders in Council were declared to have been issued (and after ten months frank and open notice to the United States, they were unquestionably issued) only in retaliation for the previous French Berlin Decree; the revocation of the latter must precede the revocation of the British Orders in Council, and then indeed the British government stood ready, and pledged itself to revoke them. Thus Mr. Jefferson, when vested by Congress with power to suspend the embargo on the revocation of the French decrees and the British orders, knew that such revocation was not likely to take place, and in fact has not taken place to this day. Mr. President Madison's extraordinary proclamation relative to the French decrees to the contrary notwithstanding. The pressure of the embargo, however, *upon ourselves* was so severe, as to exhaust the patience of the people, and the government, to save their sinking popularity, changed their ground, and by an act called the non-intercourse law, gave some relief, by opening a direct commerce with the world generally, and an *indirect* commeree with France and Great Britain and their

dependencies. At length this foolish and oppressive law also necessarily gave way, and all restraints on our commerce were removed. But another act put into the hand of the President the dangerous power of reviving the restrictions of the non-intercourse law on certain events, of which as matters of *fact* he was constituted the sole judge. Events indeed, of a nature so simple as to be within the competency of any man of common sense and common honesty to decide, whether they had or had not taken place : I mean the revocation of the decrees and orders of France and Great Britain, events which have not yet happened, but which Mr. Madison, stepping aside from the authority given him by the law, proclaimed to have taken place in regard to France, when the French Emperor, whom Mr. Madison knew to be the most perfidious of human beings, had only given a *declaratory promise* to revoke them after the 1st of November, 1810. Even Mr. Madison himself has not now the hardihood to say the French decrees *are* revoked. In his late answer to the petition of the inhabitants of New Haven, he ventures only to say, that, “ the French government *declared* that its decrees were revoked.” He now at least knows that they were not revoked when on the 2d of November, 1810; he proclaimed to the people of the United States and to the world, that they were revoked. When he issued that proclamation, he had no right to believe them revoked; if for no other reason, yet for this, That what was called a revocation was to take place in *future*, and on *conditions*---on certain acts to be *previously* performed by Great Britain, which Mr. Madison had abundant reason to know would not be performed. The French minister in his letter to General Armstrong, in which (to use the words of Mr. Madison), “ the French government

declared that its decrees were revoked," thus expresses himself—"I am authorized to declare to you, Sir, that the decrees of Berlin and Milan are revoked, and that after the 1st of November, they will cease to have effect, it being understood (*bien entendu que*, on condition or provided\*), that *in consequence of this declaration*, the English shall revoke their Orders in Council, and renounce the new principles of blockade which they have wished to establish." Nothing can be more plain, than that before the French Emperor's *declared* revocation could be a revocation *in fact*, it was necessary that the English, *simply on that declaration*, should first repeal their Orders in Council and renounce the new principles of blockade which the *Emperor says*, they wished to establish. Mr. Madison had abundant reason to know that the British would not and could not comply with these conditions prescribed by the French Emperor; and therefore that his *declared* revocation would never become a revocation *in fact*; and it was not the *promise* but the *fact* of the revocation (or of such modification of the decrees and orders as that they shall cease to violate the neutral commerce of the United States) which Mr. Madison was by law authorized to declare by proclamation. And thus this solemn and most important act of the Supreme Executive of the United States, appears to be alike destitute of legal authority and of truth.

The President's proclamation, and the unjust act of Congress which grew out of it at the close of the late session, called the non-importation act, cannot

\* Mr. Madison knows, as every one acquainted with the French language knows, that "*bien entendu que*," by his translator rendered "*it being understood*," mean *on condition*, or *provided that*.

be of long continuance. The farmers and planters who raise wheat and cotton, and those who deal in lumber and naval stores, may for a while be satisfied with the vent they find for those articles in the British markets; but as the American merchants are forbidden by that law to bring back in return any articles of produce or manufacture from the British dominions,---this one-sided traffic must soon come to an end; and our rulers must be aware, that the people, as after their much long suffering under the embargo, will renew their murmurs and complaints. What scheme then can they contemplate to rid themselves of this embarrassment, and at the same time to satisfy the Emperor of France? and what will completely answer these purposes? *A war with Great Britain.* Our "loving" friend Napoleon declared such a war for us more than three years ago; but we were not then ripe for it. Now it is presumed to be practicable. The great commercial and agricultural state of New York, and Massachusetts the greatest navigating state in the Union, have their governments in the hands of the devoted supporters of our national administration. Now then is the time to fasten upon our country the Napoleon-Jeffersonian system, the same which the French Emperor has established on the continent of Europe---*an entire prohibition of intercourse, commercial or otherwise, with Great Britain and all her dominions in the four quarters of the globe.* A snug little war which may exist (not be carried on) without taxes or revenues will perfectly accomplish the object. War with Great Britain at once shuts our ports to her and hers to us. Such a war is the simplest mode imaginable to introduce and establish the permanent embargo. *For the good people of the United States will not be so unreasonable as to complain that*

*they are not allowed to trade with their enemies in open war.*

A further developement of this scheme and the many reflections to which it will give rise (for it is a fruitful theme) would extend this address to too great a length, and must therefore be deferred.

TIMOTHY PICKERING.

## LETTER XVII.

FELLOW CITIZENS,

IN a former address, I made a remark of this kind: That Great Britain, pressed by a war unexampled in the annals of the world—all Europe being leagued against her, Spain and Portugal excepted, which she was defending with her blood and treasure—was extremely unwilling to have the United States added to the number of her enemies: and that partly from a consideration of her interests, and partly from the just contempt her Government must have felt for the men who so ruinously and disgracefully administered ours (although it is impossible the British Government should *feel* for them more contempt than the French Emperor has *expressed and dashed in their faces*)—she shut her eyes against, or did not think it expedient to resent, their glaring partialities towards her formidable enemy, and, amid multiplied *professions* of amicable dispositions, their marked ill-will and injurious acts towards herself. These provocations on one side, and forbearance on the other, have served only to encourage their aggravated repetition; until, at length, our Government have ven-

tured to commit a *direct act of war*. I know that our Administration will say that the action between their frigate and the British sloop of war took place in the dark, when Commodore Rodgers could not know what ship he fought; their newspaper has already made their apology, or rather their justification. "We understand (says the National Intelligencer) that the conduct of Commodore Rodgers, in repelling and chastising the *attack so causelessly and rashly* made on the United States frigate *President*, by the British ship of war the *Little Belt*," has the approbation of the President of the United States. And therefore it was that I went into so minute an examination of the Commodore's official report of this affair; and I trust it has appeared that the action with the *Little Belt* was not accidental and by mistake; but the consequence of special orders intended to produce, not indeed precisely the action with the *Little Belt*, but an action with a British ship of war; to be brought on, however, in such manner as might enable them to justify it to the great majority of the people, whom for a series of years they had found ready implicitly to believe their assertions. If Commodore Rodgers had met with the British frigate *Guerrier*, instead of the *Little Belt*, then he was to demand the impressed American, and if not delivered up, to attack the *Guerrier*, and if successful (as expected, the frigate *President* being of force greatly superior to the *Guerrier*), then the Administration story would have been, that after waiting near four years to receive satisfaction for the attack on the *Chesapeake*, without obtaining it (although prevented solely by their own misconduct), they had now taken satisfaction for themselves. But the action of the *Little Belt* will serve their purpose just as

well. Connecting the long chase with the circumstances of the action, the proceedings on the part of the American frigate admit of no justification. It is impossible that it should pass over without a demand on the part of Great Britain of an explanation and satisfaction; and as satisfaction will be refused, war will ensue.

“ But what madness (it may be said) to provoke a war with Great Britain, when we have no fleet—no army—no money in the treasury—but a remnant of revenue from commerce, and that to be annihilated as soon as war takes place—without taxes, or the courage to impose them—and without credit to borrow, as any government must be, which is destitute of funds to pay regularly the interest and ensure the payment of the principal!”

These, to be sure, would present, to ordinary statesmen, strong and insurmountable objections to war, but none to our wise and economical rulers. Ours will be the most simple and easily conducted war that was ever waged since nations began to quarrel. This will be its fashion. The want of revenue will make it necessary to lay up our vessels of war, to rot in the warm fresh water of the Eastern Branch of the Potomack at Washington\*. The small band

\* Four or five years ago, a gentleman who had been in our navy in 1798 or 99, being at Washington, went to see the Navy Yard: some members of Congress were present. The gentleman made some observations unfavourable to it. A democratic member from Massachusetts too, made answer—That he preferred that place to all others, because our vessels of war would no where else rot so soon! Another democratic member of Congress, but from a southern state, within two years past, thus expressed himself to me: “ If all our frigates and armed vessels were collected together, and in flames, and by *spitting* I could put out the fire, I

of troops called the army, will necessarily become still smaller. If the States possessed of seaports wish to defend them, their respective legislatures must provide for the expence. If for want of an adequate defence they should be burnt—why so much the better. Mr. Jefferson, the enlightened oracle of democracy, when objecting (as he formerly did object) to the establishment of manufactures in the United States, and considering them as the means of producing the condensed population which forms great cities, sagely remarked, that “the mobs (meaning the mass of the population) of great cities add just so much to the support of pure government, as sores do to the strength of the human body\*.” Great cities are of course great sores; and for great and inveterate sores, *cautery*, or burning, is an effectual operation. The want of revenue will also prevent the further payment of the public debt, or even the interest of it, but necessity has no law. The Government will profess extreme regret; and satisfy the people (except the public creditors) by ascribing their inability to pay to the unjust war waged against us by Great Britain, “whose power (as Mr. Jefferson says) on the ocean is so ascendant,” as to render commerce, our only material source of revenue, impracticable. Many zealous partisans of the Administration will not think any apology to be needful;

would not spit.” I doubt not this member will recollect his declaration. I do not mention it as any reproach to him; because I entertain for him the most sincere esteem as an honest and amiable man. But such was really his way of thinking—how erroneously, my fellow-citizens in the commercial and navigating states will judge.

\* Notes on Virginia, answer to query 19.



they will not hesitate to say openly, that the public debt is due chiefly to Englishmen—and let them lose it, or wait until a peace shall enable the country to fulfil its obligations\*. To the inhabitants of the sea-

\* Mr. Jefferson and Mr. Madison, when they became Presidents of the United States, severally made professions of their political creeds, one article of which 'was the exact fulfilment of the national engagements to pay the public creditors. But the man who originally opposed, and afterwards execrated the establishment of the system devised under the administration of Washington for the honest payment of the public debts, cannot have any love for it; and will therefore not grieve overmuch for the public inability to discharge those debts. What real regard to the public faith can be felt by the men who could deliberately do an act by which some innocent foreigners have, in effect, been defrauded of four hundred thousand dollars? Every body knows that Mr. Jefferson in the cabinet, and Mr. Madison and his other partisans in Congress, vehemently opposed the establishment of the bank of the United States, under the pretence that it would be a violation of the constitution. In the cabinet Mr. Jefferson's sophistry was swept away by one motion of the masterly hand of Hamilton. The *legal* bugbears which the former had conjured up and grouped together, to alarm the pure mind of Washington, who was not a lawyer, were dispersed by the light of truth emitted by Hamilton, like a morning fog before the rising sun. This defeat was never forgotten by Mr. Jefferson and his partisans; and the first opportunity was seized to destroy the institution: and this was at the time when the term of the charter expired. But the United States originally possessed of stock in the bank to the amount of two millions of dollars, remained, when Mr. Jefferson became President of the United States, the proprietors of 2220 shares at 400 dollars each, prime cost, amounting to 888,000 dollars, and yielding an interest of more than eight per cent. a year. Notwithstanding which, in less than a year and a half (*viz.* June 30, 1802), when the revenues of the United States were rapidly increasing, and amply sufficient for the support of government and the regular payment of the public debts, Mr. Jefferson caused those shares of bank stock to be sold. The institution devised by Hamilton, so wisely framed, and so faithfully managed, gained

ports who have subsisted by trade, and to seafaring men, they will say, We have immense territories open for your reception; fine lands, which wait only for hands to cultivate them. To such of them as do not incline to emigrate into the wilderness and become farmers, but remain attached to commerce, navigation, and the fisheries, they will say, Trade is out of the question; but the British merchant vessels monopolizing the commerce of the world, cover the ocean: fit out privateers—we will give you commissions: make your fortunes, if you can; and by your prizes supply the habitual wants of the people. By privateering too, you will show your patriotism; for the duties on your prize goods may furnish that quantity of revenue which will be indispensably necessary for the public officers, and pay the members of Congress their wages.

Thus it appears that for the contemplated *passive war*, no funds will be necessary, not even our ordinary peace revenues.

universal confidence, and its stock rose in price, so that a share which cost the United States but 400 dollars would sell for 580 dollars, or 45 per cent. above par. Then it was that Mr. Jefferson ordered the shares above mentioned to be sold; and the sales brought into the treasury of the United States the sum of 1,287,600 dollars. The purchasers were *Englishmen*, who, by the dissolution of the bank of the United States, have thus lost 400,000 dollars—or to be perfectly exact, 399,600 dollars, the difference between the price they paid to Mr. Jefferson for the United States, and the price to which the shares were reduced by the dissolution of the bank—or the non-renewal of its charter; an event which no man who regarded the public interest and the public faith, and still less foreigners, could have expected; but which the circumstances I have stated leave no room to doubt was contemplated by Mr. Jefferson and company, when they sold the United States' shares in the bank to those Englishmen; and which therefore will be considered as a deliberate fraud.

If a war with Great Britain should take place, privateering will be the only mode of annoying on the part of the United States; and fortunes are already enjoyed, in anticipation, to arise from the captures of British vessels and merchandize. But this will prove a vain expectation. During a greater part of our revolutionary war, when Great Britain had to contend with the fleets of France, then powerful, and finally those of Holland and Spain, privateering was carried on successfully; but for the last year or two more fortunes were lost than gained. Experience had taught them a more effectual mode of securing their commerce. Our privateers and their prizes fell into the hands of the vigilant and more powerful British cruisers, and privateering proved a losing game. At the present time, whatever remains of the Spanish navy is on the side of Great Britain. Fleets of France and Holland have been destroyed, and the remnants are kept shut up in their harbours; while the armed ships of Britain far outnumber those of the whole world beside. With such ample means at her command, Great Britain can sweep the ocean: and if she had desired the destruction of our commerce, as carried on by our own vessels, which her enemies among us (who are the real enemies too of our own country) pretend, she, long ere this time, might have destroyed it.

I have just remarked, that in the projected war with Great Britain privateering will be the only mode of annoyance on the part of the United States: but shall we not take possession of the British dominions on our northern and eastern borders? This has often been threatened: it is a part of the bullying system in regard to Great Britain; but it has never been seriously contemplated: and such members of

Congress as I have heard mention it only made themselves ridiculous for the grave faces assumed for the occasion. It was repeatedly intimated in the earlier part of the session which commenced in the autumn of 1807, after the attack on the Chesapeake, when Mr. Jefferson had made a great bustle about preparations for a war with Great Britain. This bustle was kept up in Congress, which teemed with hostile propositions towards that power; especially when the special mission of Mr. Rose was known and his arrival expected, to make that satisfaction for the attack on the Chesapeake which the conduct of Mr. Jefferson had prevented being given in London. It was weakly imagined that this noise of war would make an impression on the mind of Mr. Rose. General Smith, in the Senate, said, "If the British minister arrives and sees the *clangour* of preparations for war, his language, possibly, and very probably will be very different from what it will be if he finds us reclining on the hopes of a continuance of peace. Within a week I expect a resolution will be brought into one house or the other, to raise 50,000 men. I wish the new minister who is coming may see that we are prepared for war."—Such a resolution, or a bill in form, was accordingly laid on our tables, and there, with other similar abortive projects, slept through the session. The conquest of Canada, I have said, was never seriously contemplated. The southern leaders probably imagined that the threatened invasion of that country might influence the British councils to yield to the demands of our Government; and unquestionably they supposed their partisans in the northern States would be flattered by the project. But the northern States may rest assured, that it will be the last thing attempted by their

southern friends, or rather masters. The men who now rule the United States will never willingly take any step which will add to the population and power of the northern States. And Canada being on their borders, would, if conquered, naturally unite with them, and add to their weight in the decisions of great national questions.

But the folly of attempting the conquest of Canada would be equal to the difficulty of achieving it. From the British power in that quarter, we have nothing to apprehend: but if Canada were to fall into the hands of France, we should have every thing to fear. And if the conquest were to be made by the United States, the country, either by force or treachery, would be transferred to France. To maintain the possession against the attempts of Great Britain to reconquer it, would require an army and expenditures, far surpassing our whole present military establishment. But it would be in still greater danger from France, whence might slip out a force sufficient to wrest it from our hands—if under such administrations as have governed us for the last ten years any resistance should be made. The reason imperiously urged by the French Government to that of Spain, in the year 1800, for the retrocession of Louisiana, was, “that Louisiana was an ancient possession of France.” So was Canada: and were it once in our hands, its restoration to France would be as imperiously demanded of the United States, as was the province of Louisiana of Spain. And would such an administration as Mr. Jefferson’s or Mr. Madison’s, which has so long been cringing at the feet of Bonaparte, resist the demand? Certainly not. But let France possess herself of Canada, and then what additional demands would be made? The

northern parts of New York, the western parts of Pennsylvania, the State of Ohio, the territories of Indiana, Michigan, and Illinois, the States of Kentucky and Tennessee, the Mississippi territory, and the whole of Louisiana westward of the Mississippi, would also be in like manner demanded; for in all these vast regions France once had military posts or settlements; and she would claim and demand all of them as "her ancient possessions;" and with as good right as she demanded and compelled the Spanish Government to regrant Louisiana. But Canada remaining in the hands of Great Britain, she will keep fast shut and bolted that northern door, by which the French would enter and repossess her ancient territories, and then, by the joint operation of intrigue, corruption, and force, attempt the subjugation of the whole United States. Instead, therefore, of our attempting the conquest of Canada, sound policy would require its being kept in the hands of Great Britain.

But although our southern rulers will never, by conquest or otherwise, voluntarily add to the strength of the northern section of the United States, they will not hesitate to increase that of the southern section, with or without right. Hence the measure as base as it was unjust, of taking possession of West Florida, *a country to which* (as I shall take occasion to show) *we have no title*, and we should not have attempted, had not the distressed and enfeebled condition of Spain, oppressed and overrun by the armies of Europe's tyrant, rendered her incapable of sending thither an adequate military force for its protection. With the like unrighteous views the conquest of East Florida will be undertaken; and this by the very men, who for so many years have been raising a hue and

*cry* against Great Britain for asking the surrender, and on refusal for taking the Danish fleet, to prevent its falling (as it would immediately have fallen) into the hands of her implacable and formidable enemy. The British, at war for their existence, took from the Danes some twenty vessels of war, and the rulers of the United States, while we are at peace with all the world, under a flimsy pretence of title, seize one Spanish province, and without even that pretence, or any other which will bear the light, appear to be preparing to seize and by force of arms to take possession of another. But the taking of East Florida will coincide with and render more complete, the grand object of the projected war with Great Britain, *the putting an end to all commerce and intercourse with the British dominions*, in correspondence with the French Emperor's system for destroying the only power which can effectually controul his march to universal empire. By taking possession of East Florida, whose waters unite with those of the United States, they will prevent the renewal of that traffic which during former arbitrary restrictions imposed by Congress on our commerce, was so advantageously carried on by the citizens of Georgia. British vessels entered the Spanish harbours adjacent to St. Mary's, and there received the cotton for which the Georgians so much wanted a market.

Another most important object and effect of the projected war will be the cutting off all supplies of grain, rice, flour, beef, pork, and fish from Spain and Portugal, for whose calamities inflicted by the French Emperor, our rulers manifested no sympathy; but on the contrary, they and their genuine adherents appeared to anticipate with pleasure the subjugation of those countries by the universal tyrant; and which

has been hitherto prevented by the great and effectual assistance of Great Britain. Our sagacious *patriots*, with Messrs. Jefferson and Madison at their head, have formerly believed that the United States, by withholding their supplies of provisions could produce a famine in the British dominions in Europe and the West Indies; and I do not know that experience has yet cured them of this folly. Be this as it may, they undoubtedly suppose, that Spain and Portugal, for several years the theatres of a most destructive war, ravaged by the French armies and unavoidably much exhausted by their brave defenders, will be incapable of further resistance, if supplies from the United States be withheld. French cruisers have already captured and destroyed our vessels laden with provisions and destined to the ports of Cadiz and Lisbon, and those captures as well as other the most horrible French outrages on our neutral rights, find zealous advocates among the adherents of our administration.

Thus it appears, that a war with Great Britain is calculated to produce all the effects which the French Emperor could desire, in the full expectation that it will hasten her downfall, and at the same time reduce the United States to beggary, and leave them a defenceless prey to his insatiable ambition. Such subserviency to the views of France, of which I have in the course of these addresses given ample proofs, is, as it respects Mr. Madison in particular, now confirmed by Robert Smith, late secretary of state, in his pamphlet just published in vindication of his resignation. And if a great majority of the people continue their blind confidence in their rulers, (Mr. Madison and his partisans, with Mr. Jefferson at



their head), such will be the fatal result of the measures they have planned and will pursue.

TIMOTHY PICKERING.

### LETTER XVIII.

#### FELLOW CITIZENS,

IN my first address I anticipated the scurrility against me with which the vehicles of slander and falsehood have since teemed. And if in giving you some traits of the characters of your rulers for the last ten years, and of the leaders of democracy, my sole or primary view had been to hold them up as objects of scorn and contempt, their unprincipled advocates might, with at least "the plausible appearance of a probability," have ascribed it to unjustifiable resentment or malice. But apart from the public mischiefs, the deep injuries brought upon our country by the misconduct of these men, they would not have attracted so much of my attention as to have drawn from me a single expression of reproach or censure. If their mismanagement of public affairs could have been ascribed to weakness, then commiseration and regret that these had been intrusted to incompetent hands, would alone have been expressed. But they have been held up to your view as men of enlightened minds, and your two Presidents particularly, as political luminaries of the first magnitude, and patriots of the purest order. Hence they have received your implicit and unbounded confidence. And hence the evils which oppress the country. And hence the necessity of exhibiting these men in their true characters; to convince you that they were

never entitled to your confidence; and that this must be withdrawn, or the country, even now on the edge of the precipice, will be plunged into an abyss of ruin. I will therefore proceed in my work, regardless of calumny, and of all the personal consequences of a determined opposition to fraud, deception and treachery, wherever they appear, and to that baseness of fear and servility which, in rulers, may be equally fatal to the liberties and independence of our country.---The subject of the following address will be,

PRESIDENT MADISON'S SUBSERVIENCY TO  
FRANCE.

At the close of my last address I remarked, that the subserviency of our rulers to the views of France, of which I had indeed given ample proofs, was as it respected Mr. Madison in particular now confirmed by Mr. Smith, late Secretary of State, in the pamphlet he had just published in vindication of his resignation. This attachment and devotion of Mr. Madison to France are of ancient date. •The French Minister in Philadelphia, in the last years of our revolutionary war, had acquired such an ascendancy in Congress (of which Mr. Madison was then a member) as almost to dictate the resolutions they should adopt, as far as they were peculiarly interesting to France. It was this French influence in Congress which procured the disgraceful instructions to our ministers, Messrs. Adams, Franklin, and Jay, “to make the most candid and confidential communications upon all subjects to the ministers of our generous ally, the King of France, to undertake nothing in the negotiations for peace or truce, without their knowledge and concurrence, *and ultimately*

*to GOVERN themselves by their advice and opinion."* From the fatal consequences of this absolute submission to the French court, the United States were saved by the penetration, wisdom, inflexible integrity and patriotism of Mr. Jay; for Dr. Franklin was disposed to be governed by the instructions; and Mr. Adams was in Holland, until after the basis of the treaty of peace, between the United States and Great Britain had been formed by Mr. Jay, with the British minister, Mr. Oswald. I have formerly mentioned, that when Mr. Adams arrived in Paris he heartily co-operated with Mr. Jay. Dr. Franklin also had previously concurred with Mr. Jay---after the latter, refusing to degrade himself and his country by placing both in the power of the French minister, and induced the British government to send Mr. Oswald a new commission, empowering him to treat with us, not as colonies, but as the independent United States of America.

But although the terms of the treaty of peace thus obtained were advantageous to the United States, perhaps beyond the expectations of the most sanguine, yet many members of Congress were extremely dissatisfied---because the French court was displeased ---because the treaty had been made without the advice, and contrary to the interested opinion and wishes of the French ministers---and because our negociators regarded the dignity and great interests of their country more than instructions by which both were laid prostrate at the feet of the ministers of France. Among these partisans of France in the Congress of that day, no one, perhaps, was more conspicuous than Mr. Madison; and were his conduct at that time fully displayed, his servility now would appear to be a continuation of his

early attachment and devotion to France, at the expence of the honour and the interest of his country.

My information on the subject is to this effect: That there were three points for which the *independent patriots* of the day strenuously contended. First, that our *independence* should be considered as *a given point*, and that Great Britain should, *at the outset*, treat with us as *independent states*; it being considered that to *enter* on a negotiation without this admission, would be to descend from the high and honourable ground of *independence*, to the former condition of *colonies*; and also be the means of *prolonging the war*; for the direct object of our alliance with France being "to maintain effectually the liberty, sovereignty and independence, absolute and unlimited, of the United States;" as soon as that object should be obtained---in other words, as soon as Great Britain should acknowledge and treat us as *independent*, the United States would have no reason, *on their own account*, to continue the war. But France, and Spain, which finally became a party in the war, might have, and in fact had, other objects of *their own* to accomplish, by a continuance of the war: and therefore the French court so earnestly endeavoured to prevent our insisting upon the admission of our independence as a *preliminary* to our commencing a negotiation with Great Britain.--- Two other points were in like manner insisted on by the same *independent patriots*---our *right to the fisheries*, and our *claims to boundaries*, which were, westward as far as the Mississippi; with the free navigation of that river. And a member of the Old Congress has stated to me, that against these most important claims, the French minister in Philadel-

phia remonstrated by memorials to Congress; that Mr. Madison supported these memorials; and that to prevent our negotiators in Paris insisting on those three points, the disgraceful instructions before quoted were ultimately given; by which *they* were ignominiously placed under the *direction* and *their country* at the *mercy* of the French Prime Minister, the Count de Vergennes; and "that when the treaty [of peace] admitting and securing those great points was received, he [Mr. Madison] was the leader of the opposition in Congress to its being ratified; because those points were obtained without the concurrence and against the views of Vergennes. And that he [Madison] even contended that it should be sent back to France for the consent of Vergennes before the ratification." That there was a zealous opposition to the ratification of the treaty, on the grounds above mentioned, is unquestionable. A vote of censure against Mr. Adams and Mr. Jay was not obtained, but conversing once on this subject, and mentioning a report made by the then Secretary for Foreign Affairs (Chancellor Livingston) against the treaty, or the conduct of the negotiators, Mr. Adams told me that he actually received a letter of reproof from the Secretary; and that it was then among his papers at Quincy. Why the French government was so strenuously opposed to the concessions of the three points above mentioned, on the part of Great Britain, will hereafter be shewn.

The same spirit of devotion, abject servility towards France, combined with hostility to England, has since been conspicuous in Mr. Madison. It was manifested in the virulent opposition given by him and his associates (doubtless having Mr. Jefferson as their guide and head) to the treaty of amity and

commerce with Great Britain, negotiated by Mr. Jay in 1794. The French government affected to consider it as equivalent to a treaty of alliance with Great Britain, to which the rights and interests of France were sacrificed; than which nothing was more unfounded and false. The same spirit is manifested in the whole of Mr. Madison's correspondence with the Secretary of State, in "his enlightened and zealous participation" in Mr. Jefferson's system of measures, and in his continuing to pursue them since he succeeded in the Presidency.

In his answer to the Tammany Society of Baltimore, dated May 25, 1809, Mr. Jefferson said, "The hope you express, that my successor will continue in the same system of measures, is guaranteed, as far as future circumstances will permit, by his enlightened and zealous anticipation in them heretofore, and by the happy pacification he is now effecting for us." This happy pacification (as I have heretofore remarked) was the deceitful arrangement with the British Minister, Mr. Erskine, for settling the affairs of the Chesapeake, and the revocation of the British Orders in Council. I called it *deceitful*, because I believe that the offensive and insulting clause which, we have understood, actually prevented its ratification by the King of Great Britain, was inserted on purpose and in full expectation that it would produce that effect. We now find, by the pamphlet of Mr Robert Smith, that the offensive clause was contrary to his ideas of propriety, *proposed and insisted on by Mr. Madison himself*.

While so ready to use offensive and insulting language to the British government; or, to use the words of Mr. Smith, to address to it sentiments "not reconcilable to that dignified decorum which the

comity [courtesy], of governments in their intercourse with each other ought to observe;" we have now the evidence of Mr. Smith, that Mr. Madison forbade the sending to General Armstrong even the moderate animadversions which *he* had prepared, upon the most insulting letter that was ever addressed by one government to another—the Letter of the French Minister, the Duke de Cadore, of February 14th, 1810; in which, after a train of contemptuous reproaches, he characterizes those who administer our government, as "men without just political views, without honour, without energy." To this grossest of insults Mr. Madison would not hazard expressing *to that government* the slightest resentment, or sensibility; nor make the least complaint of the perfidious seizure of millions of American property in French ports: seizures whose atrocity was aggravated by the groundless pretences and palpable falsehoods, by which the French minister attempted to justify them. Instead of giving scope to the just resentments which such a letter could not fail to excite in every independent mind; and to the indignant language of a man feeling for his own honour, and for the dignity and interests of his country, which his duty as Chief Magistrate imperiously required him to assert and maintain, he contented himself with a pitiful, evasive paragraph *inserted by his special direction*, in a letter from Mr. Smith to General Armstrong, his Minister to the French Court. Here it is:—"As the *John Adams* is daily expected, and as your further communications by her will better enable me to adapt to the actual state of our affairs with the French Government, the observations proper to be made in relation to their seizure of our property and to the Letter of the Duke of Cadore of the 14th February, *it is by*

*the President deemed expedient not to make, at this time, any such animadversions.* I cannot, however, forbear informing you, that a high indignation is felt by the President, as well as by the public, at this act of violence on our property, and at the outrage, both in the language and the matter, of the Letter of the Duke de Cadore, so justly pourtrayed in your note to him of the 10th of March."———This paragraph I call *evasive*, because, by postponing the strong and dignified remonstrance and demand of reparation which the insult and injury required to be instantly made, it was evidently intended by this course, finally to omit doing either. And why, seeing Mr. Madison was not insensible to the insult and injury, would he put off for a moment, and finally omit (as from Mr. Smith's statement we are authorized to conclude he has omitted) to vindicate the honour of our government and the rights of our plundered citizens? To what can such ignominious subserviency to France, such unspeakable baseness and servility be ascribed? To what, but a *pusillunimity* which utterly disqualifies him for the high station he occupies—or a *treachery* which demands his impeachment and removal? Who that is not alike base or treacherous, or both, can approve this conduct, and support and praise such a man? Who not alike contemptible can withhold his contempt.

The character of the seizure of American property above referred to demands a special consideration. The robberies and piracies committed by the orders of the French Emperor, and the instances of his wanton destruction of our vessels and their cargoes, by burning and sinking them on the high seas, (an outrage which the gentle Mr. Madison calls "the most distressing of all the modes by which the belli-



gerents exert force, contrary to right") have been so numerous and for so long time familiar to us, they have ceased to excite surprise, and almost to rouse resentment.

On the 1st of March, 1809, when the Jeffersonian-Napoleon Embargo—(the delight of the French Emperor---the object of scorn and contempt to England---and to *ourselves* only terrible and ruinous) ---had been fourteen months in operation; our rulers, convinced of its inefficacy in regard to Great Britain, and dreading the consequences of popular discontents, which had rapidly increased; yet too proud to acknowledge the folly of the measure, sought a retreat in the *Non-Intercourse Law*---a law which forbade all commercial intercourse with Great Britain and Ireland, their colonies or *dependencies*, and with France and her colonies or *dependencies*, or with any place in possession of either; while it opened the doors of commerce to all the world beside. And to render this prohibition complete, it was enacted, that all vessels sailing under the flag of Great Britain or France, which, after the 20th of May 1809, should enter the ports of the United States, should be seized and condemned. But it was known to our rulers, while they affected, in the terms of the law, still absolutely to restrain our commerce with those two powers, that they would receive *indirectly* all the supplies they could desire from the United States, and that by the usual management in trade *we* should receive from them such of their products and manufactures as should be very necessary for us. In words this measure wore the appearance of equality and impartiality towards the two belligerents; but like every other measure of the kind, it was equal and impartial only in appearance. France had no

merchant vessels to enter our ports---Great Britain had many; and it was against Great Britain exclusively that this prohibition was calculated to bear. Further, the "dependencies" of Great Britain were her colonies and conquests over which she exercised direct and positive dominion. France possessed some similar "dependencies." But she had also *other dependencies*, of greater extent and importance---countries and states which she had conquered, or by fraud and violence had seized, whose immediate rulers were kings, appointed by the French Emperor himself. Such were Spain, Naples and Holland; countries which our Executive rulers *chose*, in violation of the truth of facts known to them and the world, to consider and treat as independent states, while their pageant kings implicitly obeyed their creator, Bonaparte, and decreed justice or injustice at his will. But this very cunning contrivance, to favour France (for that I believe was its object more than to enlarge the sphere of our commerce) by facilitating the introduction of all the supplies it needed, and which the United States could furnish, proved to our merchants a snare in which were surprised and caught, some millions of their property---*never to be set free*. For after the lapse of a year (to wit, on the 23d of March, 1810) the French Emperor at Rambouillet, issued a Decree, founded on this Non-intercourse Law, ordering to be seized and sold all American vessels which had entered or should enter the ports of France and her dependencies after the 20th of May 1809. And the French Minister, the Duke de Cadore, assigned to General Armstrong the provisions of the Non-intercourse Law, *and the manner of its execution by our Executive*, as the •

Emperor's reasons for his Rambouillet Decree. He says,

"The Emperor had applauded the general Embargo"——"The act of the 1st of March has raised the embargo, and substituted for it a measure the most injurious to the interests of France. This act, of which the Emperor knew nothing until very lately, interdicted to American vessels the commerce of France, at the time it authorized that to Spain, Naples, and Holland; that is to say, *to the countries under French influence*: [in other words, the dependencies of France] and denounced confiscation against all French vessels which should enter the ports of America. Reprisal was a right, and commanded by the dignity of France." See the Duke de Cadore's Letter of August 5, 1810, to General Armstrong. In a former letter, (that of February 14, 1810,) the Duke had told General Armstrong, "That as soon as his Majesty was informed of this measure [the Non-intercourse Law of March 1, 1809,] he considered himself bound to other reprisals on American vessels not only in his territory, but likewise in the countries *which are under French influence*. In the ports of Holland, of Spain, of Italy, of Naples, American vessels have been seized, because the Americans have seized French vessels." The nature of *reprisal* is well known, and was emphatically expressed to General Armstrong on this occasion: "If you [the United States] confiscate French property under the Law of Non-intercourse, they will confiscate your property under their Rambouillet Decree."

I am well aware that the reasons assigned by the French Minister for the Rambouillet Decree are but

*false pretences.* LYING *formal, organized* LYING is a part of the French Emperor's system of government, as the plunder of American "commerce is within the scope of his policy."\* But those who still affect to believe in his promises—who, like the President and Congress of the United States, pass laws and issue proclamations founded on the promises and declarations of the Emperor Napoleon, whose open violation of the law of nations and of his treaty with the United States, Mr. Madison had himself publicly stated; whose utter disregard of truth, whose perfidy and complicated crimes can in modern times find no parallel, and which have been manifest to them and to the world—such men, I say, who have had the evidence of his falsehood and perfidy before their eyes—evidence received and read by the President, and by him laid before Congress: such men cannot consistently object to the Emperor's iniquitous perversion of their own acts, and offering them as reasons for his robberies; for they still continue to trust him.

\* "The most extraordinary phenomenon ever known—a moral prodigy unexampled in the history of mankind, is now exhibited in France. I mean the regular, systematic, elaborate organization of FALSEHOOD, *as the basis of the government, and the soul of all its public acts.* "Faber's Sketches of the Internal State of France, quoted in the American Review for April, 1841."

At the close of my seventh address, without having then seen this number of the American Review, and without having adverted to any conformity of principles in government in the Chief of the French Empire, and the late Chief of the United States, I remarked, "That Mr. Jefferson had learned with what facility a nation might be *deceived*. And that so conformable was his practice to this idea, it was manifested in so many of his acts—*Deception* might be considered as the operative principle of his administration."

Among the papers laid by the President before Congress at the commencement of the last session, was a letter of July 5, 1810, confirming what had been said in his letter of June 5th from Mr. Secretary Smith to General Armstrong, in which is the following passage: "As has been hitherto stated to you, a satisfactory provision for restoring the property lately surprized and seized [under the Rambouillet Decree] by the order or at the instance of the French government, must be combined with a repeal of the French edicts, with a view to a non-intercourse with Great Britain; such a provision being an *indispensable* evidence of the just purpose of France towards the United States." But notwithstanding this determination of the President on the 5th of June and July, without any restoration of the property so surprized and seized, and without any provision for such restoration; nay, after a positive declaration by the French government that it was taken as a reprisal, and that "the law of reprisal must govern;"\* that is, absolute confiscation. Notwithstanding all this, and without an actual repeal of the French Decrees, and only upon the declaration of the most faithless of human beings, that those Decrees would be repealed on certain *conditions*, one of which (the previous revocation of the British Orders in Council) it remained exclusively with the British Government to perform, but which Mr. Madison knew would not be performed (because as early as the 31st of August, 1810, the British Secretary of State wrote to our Minister in London, that before such revocation of the Orders in Council could take place "the Repeal

\* General Armstrong's Letter of September 10, 1810, to Mr. Secretary Smith.

of the French Decrees *must actually have taken effect*")---notwithstanding all these things, Mr. Madison issued his proclamation declaring that "the Edicts of France violating the neutral commerce of the United States had (on the 1st of November last) been so revoked as to cease to have that effect!" Thus proclaiming to the United States and to the world as a *fact*, what he did not know to be a *fact*; on the contrary, what the official evidence in his possession required him to believe was *not a fact*; and in proclaiming which, *as a fact*, he must knowingly have disregarded the essential provision of the law of congress under which he professed to act, and from which alone could be derived the authority to declare the Non-intercourse Law to be revived against Great Britain.

Let us now see in what manner Mr. Madison gives to Congress information of the atrocious Rambouillet Decree, by which millions of American property have been seized and confiscated. Having mentioned the (pretended) revocation of the Berlin and Milan Decrees, he says, "It would have well accorded with the conciliatory views indicated by this proceeding on the part of France, to have extended them to all the grounds of just complaint which now remain unadjusted with the United States. It was particularly anticipated that, as a further evidence of just disposition towards them, restoration would have been immediately made of the property of our citizens seized under a misapplication of the principle of reprisals, combined with a mis-construction of the law of the United States. This expectation has not been fulfilled."\* So gentle and so mild is the Pre-

\* Message to Congress, December 5, 1810.

sident of the United States in giving to Congress information of this flagitious act of the French Emperor; when, if he had felt as a man, as an independent citizen, much more if he had possessed any consciousness of the duty, with the honest resolution to perform it, of the Chief Magistrate of the United States, charged with the preservation and defence of their dignity, and of the rights and interests of their citizens---he would have burned with indignation in reciting this abominable robbery, and the false and insulting pretences upon which it was committed. But did Mr. Madison really "anticipate" and "expect" the restoration of the millions of American property seized and confiscated under the Rambouillet Decree? If he did, then his childish credulity demonstrates his utter incapacity to manage the affairs of the nation. If he did not anticipate and expect that restoration, then he is chargeable with the most detestable vice in a solemn address to Congress---an address too at the opening of the session, when full and precise information of the state of the great affairs of the nation is particularly expected, and it is the President's constitutional duty to render. On the 1st of March, 1809, Congress, for injuries alleged to have been received from France and Great Britain, continue a law forbidding American vessels to enter their ports, and pass a law (the Non-intercourse Law) to exclude from our ports the merchant vessels of those two nations; and giving eighty days notice of this exclusion, declare that if after that time any of them enter the ports of the United States, they shall be seized and confiscated. What was the conduct of Great Britain on this occasion? Her vessels conform to the laws, and abstain from coming to our ports. Neither do any French merchant vessels

enter our ports—*none were expected to enter—they have no merchant vessels which cross the Atlantic.* At length the law expires by its own limitation, and many of our vessels are taken and carried in, or voluntarily enter the ports of France and her dependencies: that is of Holland and Naples, of Italy and such of the ports of Spain as were in the possession of France. But vastly greater numbers of our vessels enter the British ports. What treatment do they receive from the two nations? In all the British dominions they are perfectly safe. They sell and buy with perfect freedom, and come away when they please. In France and her dependent states they are seized and confiscated. But mark the singular perfidy and flagrant injustice of the French Emperor. The Non-intercourse Law was published in the American newspapers which are sent to France. General Armstrong, “with sufficient promptitude,” (as he informs us) delivers an official copy of the law to the French Government. A whole year or more elapses without any complaint against the law. Then the Emperor secretly passes a Decree (the Rambouillet Decree of March 23d, 1810) to take effect---not sixty or eighty days after it should be made public---but from the 20th of May 1809, ten months before the Decree was made! ordering all American vessels which after the 20th of May had entered or should enter the ports of his empire, or of his colonies, or of the countries occupied by his arms, to be seized and sold. And in order to enlarge the sphere of this horrible outrage, to draw more vessels within his grasp, the Emperor keeps the Decree in his pocket until the 14th May, 1810, when it is published in his newspapers; and this appears to have been the first notice obtained of it by the American Minister at his court?



The Emperor had previously prepared to spring his net. Four commissioners were sent to Holland to take possession of the American property to be found there; while his royal brothers and agents were doing the same thing in Spain, Italy, and Naples. This whole scene of unequalled perfidy, treachery, and iniquity, was communicated to our executive by General Armstrong, in his Letter of May 24th, 1810. And yet with the full knowledge of all this, Mr. Madison has the audacity to inform Congress, that he "anticipated" and "expected" the property thus perfidiously, treacherously, and iniquitously seized, confiscated and sold, would be *restored*, as an evidence of the *just* disposition of the French Emperor towards the United States! What could induce Mr. Madison, in the exercise of one of his most solemn and important duties to make to Congress, to the nation and to the world, a declaration which, on a view of the facts and circumstances here stated, must evidently appear to be unfounded and false? The answer to this question, with additional reflections, will appear in my next address.

TIMOTHY PICKERING.

## CHAPTER XIX.

" FELLOW CITIZENS,

IN my last address, I exhibited the perfidious, treacherous, and iniquitous character of the seizure and confiscation of a multitude of American vessels and cargoes by the French Emperor, in France, Spain, Holland, Italy and Naples, under the pre-

tence of *retaliating* for some provisions of the Non-intercourse Law of March 1st, 1809, a law approved by Mr. Jefferson among the last acts of his administration. I stated, from Mr. Madison's own communications to Congress the Declaration of the French Government, that this seizure "being an act of reprisal, the law of reprisal must govern"—that is, an irrevocable condemnation of the property. Mr. Madison knew also, by past events, that the restoration of property so seized and confiscated, was hopeless; and particularly for a reason formerly given him in another case, by General Armstrong; *That the amount of property at that time seized was so great, as alone to render hopeless all attempts at saving it.* Mr. Madison, as well as every other man of information in the United States, well knows that *the right and the wrong*, in any case, is never a question with the French Emperor; but merely *what he should get or lose* by any of his acts. Notwithstanding all which, Mr. Madison dared to inform Congress, that he had "anticipated" and "expected" the property so seized, by an act of *retaliation*, and to a *vast amount*, would be restored\*! What could induce him to make this

\* We are just now informed, that the French Emperor has ordered to be released sixteen American vessels which had voluntarily entered the French ports since the 1st of November, 1810, on which day, as President Madison had declared, the Berlin and Milan Decrees had been repealed. On the faith of this Proclamation, unwarranted by law and unsupported by fact, a small number of (chiefly, if not wholly, small vessels,) ventured to enter the ports of France. These the French Emperor caused to be seized; and after holding them for many months under sequestration, he has been *graciously* pleased to restore them to the consignees, with *permission* to sell their cargoes, but *obliging* them, after paying enormous duties on them, to take, in return, *two thirds* of the proceeds of the sales in French *•sills*! Such is

declaration, which from the face and circumstances exhibited in the preceding number must evidently appear to be unfounded and false, I am now to inquire and explain.

It will be recollected that I have represented Mr. Jefferson and his leading partisans, who have risen to power by deceiving the people, as having seized upon their general prejudices in favour of France and against England (prejudices which were the result of our revolutionary war) as the surest means of acquiring popularity. While France, under the name of a Republic, appeared to be struggling in a terrible revolution, to establish a free government, she enjoyed the good wishes of all the people of the United States: men of all parties joined in bidding her *God's speed*. Some few there were, indeed, who, wise by the lesson of history, or in their own profound reflections, saw nothing in the French revolution which could lead to so happy a conclusion. They foretold, and we see their predictions verified, *that it would end in a military despotism*. These wise men wished to check the extravagant enthusiasm of the people, so far as to keep the United States safe from the whirlwind of that revolution. And under the powerful influence of Washington this was happily effected. Our state of neutrality was proclaimed, and

the *freedom* and such are the advantages of our trade with France! And what has the Emperor in view, in this wonderful indulgence? The fishermen of Marblehead, where the Emperor appears to have very numerous friends, perfectly understand the old proverb—*To throw in a mackarel to catch a cod*. The above small number of small vessels, seized without any pretence of justice, have been set at liberty to tempt a greater number of larger size to come within the reach of his hook and the sweep of his net.

by our government its duties were then impartially performed. This neutral system, justified by our rights as an independent nation, and called for by our interests, proved obnoxious to a multitude of our citizens, whose violent prejudices rendering them blind to all the enormities of the actors in the French revolution, they clamoured against their own government, because it was not infected with enthusiasm wild as their own; and its members and supporters were reviled as monarchists, aristocrats, and enemies to republican government. These unfounded reproaches artfully raised and industriously circulated by ambitious demagogues, were used as powerful means to undermine and overturn the federal administration. Hitherto, the opposers of the government had been known as *anti-federalists*, because from the beginning they had opposed, and endeavoured to prevent the adoption of the present federal constitution of the United States, which now they profess so much to admire. Exposed to just reproach as *anti-federalists*, that is, as *enemies to that bond of union*, by means of which, under the administration of federalists, our country had risen from poverty and insignificance, to wealth, importance and dignity; those men artfully rid themselves of that unpopular name, and assumed that of *republicans*; and falling in with and flattering the people in their extravagant admiration of the new "sister republic" of France, succeeded in making them believe *that they were exclusively patriots and staunch friends to republican government*; and with this cant they continued to deceive the people. That this deception should continue while France continued to call itself a *republic*, is not very wonderful—for *names*, mistaken for *realities*, influence a

large portion of mankind. But under that imposing name, France was governed by a succession of ruthless tyrants, haughty, unprincipled, unjust, trampling on the rights of independent nations, violating treaties, and committing atrocious piracies on the high seas. Their conduct towards the United States, more especially in the years 1796, 1797, and 1798, furnished but too abundant proofs of the truth of this charge. Yet France was still the favourite of our exclusive patriots and republicans; her rulers boasted of *them* as her partisans and friends; and it is certain that among them, amidst her unexampled insults and injuries to the United States, she always found apologists and advocates. Still she called herself a *republic*; and in that name overturned all the republics on earth, except our own, which was saved wholly by our distance beyond the reach of her arm. The tyranny at home of these republican rulers has been surpassed only by the iron despotism of the arch enemy of mankind, the Imperial Napoleon. Yet, in this height of tyranny, these republican rulers professed, like some of their American brethren, to *adore the people*. "The sovereign people" was for ever in their mouths; and the people, dupes to this flattery, fancied they were free. What was their "sovereignty" and their "freedom" may be understood by the following fact. Mr. Monroe (now Secretary of State) on his return from France, where as American minister he had resided about two years, came to Philadelphia. In conversing with him on the state of France and the condition of the people, he made to me this striking remark—"The people are nothing, and the government every thing." If the French people (and Mr. Monroe had the best oppor-

tunities to know and judge of their condition) were at that time "nothing," how much "less than nothing," are they now? Then the magic charm of the word *republic*, a name so dear to Americans, though in France an empty shade, furnished some apology for their attachment to that country; but now, when even the name is banished, when nothing is more odious, nothing more detestable in the eyes of her *imperial master*, than *republican government*; when too, all the atrocious robberies, piracies, and insults committed by her self-called republican rulers, are repeated, and with aggravations, by her single despot: how is the continued devotion of our rulers and their followers to France to be accounted for? Chiefly on the ground which I have stated. By cherishing and animating the prejudices of the people in her favour, and exasperating their antipathies to England, the leaders rose to power; and by persevering in the use of the same means, they retain it: and now and then faintly intimating, as in a whisper, that some of the Emperor's decrees are *not just*; and, a few, the better to conceal their subserviency, and gain to themselves the character of independence, will even venture, occasionally, to call him a *tyrant*: with which his Imperial Majesty will not be offended, while they continue faithfully to serve him. For the seizure and confiscation of American vessels under his Rambouillet Decree—an act of such distinguished atrocity, such a shameless violation of the most obvious rules of justice, as demonstrate the Emperor's utter contempt for the opinion of the world, as well as for the rulers of the American Republic, Mr. Madison made the kindest apology imaginable: "The property of our citizens (says he) was seized under a *misapplica-*

tion of the principle of reprisals, combined with a *misconstruction* of the law of the United States!" when Mr. Madison, perfectly acquainted with the nature and character of the seizure (of which in my last address I gave a description) knew it to be an act of sheer, deliberate villany! that the principle of reprisal had nothing to do with it; and that the law was so plain as to be incapable of misconstruction, in relation to this point. Besides, if the law had appeared in any respect uncertain and doubtful, there was an intelligent American Minister on the spot to explain it, if a right understanding of it had been desired. But such an understanding, a correct construction of the law was not desired. A glaringly false construction alone could furnish the Emperor with his shameless pretence for the seizure. These considerations with those exhibited in the preceding address, show, that it was impossible for Mr. Madison to "anticipate" or "expect" the restoration of the property. Why then did he hazard the making of such a declaration to Congress? On the foundation principle formerly mentioned, and repeated, with some illustrations in this address—the *maintenance of the prejudices of the people in favour of France, as the essential means of maintaining in power the party of which he is at least the ostensible head*. A full and faithful display of the nature and effect of the Rambouillet Decree, would naturally and necessarily have led him to detail the multitude of other acts of France, alike unjust, insulting and injurious to the United States, and their citizens. This, if the people continue under the delusion in which he, with his predecessor and their coadjutors had involved them, would have destroyed his popularity. If such

a display by the President of the United States served to open the eyes of the people, they, thus made sensible of the deceptions which had been practised upon them by the same leaders, would have cast them off: and the cause of democracy might have been ruined. Such a display, therefore, of wholesome truths, by Mr. Madison, was not to be expected. Besides, it would have contradicted the course, and been subversive of the predilections of his whole life, in relation to France. But there was also an immediate object which forbade such a display: it would have deprived him of all apology for accepting the declaration of a *conditional* and *future*, instead of an *actual* repeal of the Berlin and Milan Decrees, and thereby have deprived him of a *pretence* for reviving the Non-intercourse Law against Great Britain. An adjustment of our differences with Great Britain must not take place. The rulers of *republican* France, by intrigues, by threats, by bribery, endeavoured to prevent any amicable treaty between the United States and Great Britain; any treaty which, by enlarging and securing our own commerce, would also benefit her's; and thus pave the way for that return of good will and confidence between the two nations, which should add to the prosperity of both; and when one was fortunately made (that of 1794), France omitted no means to defeat it. And when foiled in this attempt, and afterwards in the choice of a President (Mr. Adams, and not Mr. Jefferson, being elected) she let loose and gave greater scope to her piratical cruizers, "to fleece us of our property [as Joel Barlow said, and he was then in Paris] to a sufficient degree to bring us to our feeling in the only nerve in which it was presumed our sensibility lay, which was



our pecuniary interest \*." By "bringing us to our feeling," Mr. Barlow meant inducing the submission of the government of the United States to France, like many of the powers of Europe, whose cases she cited as examples for us to follow. Fortunately the minds of the great majority of the American people at that time remained alive to national insults and injuries. Resistance took place of the expected submission. The *French* Government was brought to its senses, and abandoned its impudent pretensions and claims. How this high and honourable ground was lost to the United States, may be the subject of future observation. That season of dignity, spirit and independence passed away; and that of submission followed, with all the evils we now experience in its train.

I have mentioned *bribery* as one of the means used by France to gain and establish an influence in the United States; and I have done it on the following grounds:

1. The notorious profligacy of the French Government (to say nothing of what existed under its former monarchy) evinced by its uniform conduct from an early period of the Revolution. The official documents under our own Government, under the hands of our Envoys Pinckney, Marshall, and Gerry, attest that profligacy. Doubtless there are some persons who, to gain an important point, would *offer* a bribe, who would disdain to *receive* one. The Government of France had no scruples of this sort. The Directory, by their minister of corruption Talleyrand, had the consummate baseness and impudence

\* Mr. Barlow's letter of March 1, 1793, to the late A. Baldwin,

to demand of our Envoys a *douceur* (in English a bribe) of fifty thousand pounds sterling, (upwards of two hundred and twenty thousand dollars) for the pockets of *four* of them; the *fifth* Director, Merlin, who had held the office of *Minister* of *Justice*, being paid by the owners of privateers, [for being the *minister* of *iniquity* in directing the decisions of the prize courts, condemning American vessels and their cargoes.] And this bribe they were informed was only the *customary* tribute in diplomatic affairs! And even this *douceur* was not to procure the acknowledgment of our Envoys in the character of public *Ministers*---but only permission for them to stay in Paris, where those insolent tyrants kept their court.

2. The confidential friend and agent of Talleyrand in this business, (whose information Talleyrand told Mr. Gerry was just, and always might be relied on) in addition to the *douceur* of fifty thousand pounds, earnestly pressed for a loan to the French Republic of many millions of dollars; to have made which would have been a violation of our duty as a neutral nation, and urged various other unwarrantable and insolent demands of the French Government; enforcing them by threats of its vengeance on failure of their compliance. Our Envoys remaining firm and invincible, the confidential agent said to them---“ Perhaps you believe that in returning and exposing to your countrymen the unreasonableness of the demands of this Government, you will unite them in resistance to those demands: you are mistaken: you ought to know that the diplomatic skill of France, and the means she possesses in your country, are sufficient to enable her, with the aid of the French party in America, to throw the blame which will attend the rupture of the negotiations on the federalists, a

you term yourselves, but on the British party, as France terms you; and you may assure yourselves this will be done."

3. The testimony of Fauchet, the Minister of France to the United States, in his famous letter of October 31, 1794; the time of the great insurrection in the western part of Pennsylvania, familiarly known by the name of the Whisky Insurrection. Referring to certain overtures which had been made to him by one of the *exclusive patriots* (whom he named), and which he had before communicated to his Government, Fauchet says, "Thus with some thousands of dollars the republic could have decided on civil war or peace. *Thus the consciences of the pretended patriots of America have already their prices.*"\*

4. The notorious treachery of many officers, civil and military, of the countries which have been overrun by the arms of France; and whose treason can be ascribed to no cause but the distribution of French gold, or the delusive promises of elevation to higher employments and dignities, as in the case of Godoy, the Prince of Peace, who betrayed Spain into the hands of Bonaparte; or to both these causes. Accordingly the opinion is general, that this sort of corruption has been the efficient pioneer to the French armies, and opened their way to conquest.

5. The open avowal of the fact by a French agent, at the time that Adet (the successor of Fauchet) was the French Minister in Philadelphia. This agent was Mr. Letombe, the Consul General of the French republic, a person well known to great numbers of

\* "Ains avec quelque milliers de dollars la Republique aurait decidee la guerre civile ou sur la paix. Ains les consciences des pretendus patriots en Amerique ont deja un tarif!"

*Fauchet's French original.*

my fellow citizens, as well as to me. Letombe had previously been French Consul at Boston; had lived some years in the United States, and was doubtless much better informed concerning them than the Minister Adet. Washington was then President of the United States, and probably Letombe perceived that the time had not arrived for France, by her intrigues and bribery to gain an effectual ascendancy in the councils of our nation. Letombe accordingly mentioned the fact in a tone of complaint and vexation. It was to a very intelligent and respectable gentleman of my acquaintance, to whom Letombe said, "that Mr. Adet had foolishly thrown away a great deal of money, in bribing Members of Congress, although they (Letombe and the Minister) were put to much difficulty in raising it; and that they had at great loss to the French Republic in the negotiation, procured eighty or ninety thousand dollars at Boston." I quote from my memorandum made at the time the information was given to me. Mr. Adet's Mission to the United States terminated near the close of the year 1796. Since that time the French Government has found less difficulty in procuring money. The plunder of the world and the mines of Mexico and Peru have been open to them. Eighteen months ago I received satisfactory information that the Frenchman who was then Bonaparte's Consul General in Philadelphia, had in the course of one year received about a million of dollars, for which the French Government could have no legitimate use in the United States; because it then neither derived nor needed any supplies from the United States.

The evidences of corruption, of falsehood, of hypocrisy and deceit, in the men whose official or per-

social means and influence have for many years given a direction to the public sentiment, and managed the affairs of the United States, it has been necessary to exhibit to the view of my fellow citizens; because the only hope of political salvation rested on the public conviction that those men did not deserve the confidence of the nation. This exposure was anticipated with regret; because (as I early remarked) "in exposing them I should unavoidably expose the nakedness of my country; when, if compatible with truth, I would infinitely rather speak the praises of both." More remains to be told.

TIMOTHY PICKERING.

FINIS





